

BERNARD BAILYN  
AND THE ART OF HISTORY  
GORDON S. WOOD

# the weekly Standard

FEBRUARY 23, 2015

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## A HERD OF ELEPHANTS

STEPHEN F. HAYES  
handicaps the 2016  
Republican field

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# Anchors Away

If the truth be told, THE SCRAPBOOK has been relatively unengaged by the Brian Williams crisis. Yes, the revelation that Williams is a serial fabricator— inventing details about wartime exploits and brushes with death—is a problem for his employer, NBC News. Its earnest, upright corporate face has become a national laughingstock, and NBC probably had no choice but to pull him off the air.

But for a week, for six months, forever? THE SCRAPBOOK neither knows nor cares. There are two reasons for this. First, all the teeth-gnashing and garment-rending on the subject seems to have missed a larger point: namely, that in the modern media environment, the credibility, integrity, and all-round trustworthiness of NBC's evening news reader is largely an irrelevance.

The fabled anchormen of yesteryear—John Chancellor, Walter Cronkite, Max Robinson, Frank Reynolds, etc.—were no better or worse than the square-jawed, bar-

tone-voiced Williams. In the pre-Internet age, however, they wielded more influence. The rise of an alternate journalistic universe, and decline of the Big Three television networks, put an end to all that. The tortured succession to Walter Cronkite at CBS (1981), and the internecine sniping between Barbara Walters and Harry Reasoner on ABC (1976-78), seem quaint, almost comic, in retrospect.

The other point is less obvious. The great mystery surrounding Brian Williams's fabrications—he seems enamored of the idea of flying under fire in helicopters—is not how or when, but why? Nobody really expects a news reader to dodge bullets or wade through floodwaters; and in any case, Williams gets credit for broadcasting from war zones and other uncomfortable places. He must have known that others were aware of the truth of these incidents, or that telling tall tales on the *Late Show with David Letterman* would expose him to scrutiny.

The parallel with celebrity plagiarists—Molly Ivins, Fareed Zakaria, Doris Kearns Goodwin, et al.—is unmistakable: Such open theft, such compulsive dishonesty, can lead only to public exposure and embarrassment. This is not a problem for media analysts or network executives, but a question that may best be answered by psychiatrists. ♦

## Argument Clinic

The Supreme Court won't hear arguments in *King v. Burwell*, a lawsuit challenging the legality of subsidies in the federal Obamacare exchange, until early March, but THE SCRAPBOOK is already eagerly anticipating the suit for no other reason than that it is shaping up as a case study in the lawyerly contortions required to defend the indefensible.

To quickly summarize the case: The text of the Obamacare legislation clearly and repeatedly says that subsidies are limited to insurance exchanges "established by the State." Unfortunately, only 14 states and the District of Columbia actually set up their own exchanges—the rest of the states either declined to create their own exchanges or tried to set them up and failed because of technical difficulties and fraud. Insurance through the Obamacare exchanges has already dramatically failed in its mission to be affordable. And if the government can't offset the already-expensive coverage with subsidies in 36 states, there will be drastic consequences for the embattled law.

Supporters of the law initially insisted that, of course, the law was intended to provide subsidies to users of a federal exchange. They laughed off those who had bothered to read the fine print. Then Jonathan Gruber, an MIT professor and one of the architects of Obamacare, was caught on tape saying that the law wasn't supposed to provide subsidies to federal exchanges—the better to motivate the

## What They Were Thinking



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states to do what the administration wanted. (Notably, Gruber was also taped saying that he and President Obama conspired to lie about the law's middle-class tax increases, but for some reason the media haven't shown much interest in that story.) The law's boosters continued to scoff even as they distanced themselves from Gruber. Then the Supreme Court took up the case and panic started to set in. Supporters of the law have been left grasping for arguments.

To give you an idea of where things stand, former federal prosecutor Jonathan Keim (at *National Review's* Bench Memos blog) flags this bit from one of the solicitor general's briefs in *King v. Burwell*: "As the use of that phrase ['established by the State'] in Section 36B and throughout the Act demonstrates, it serves to identify the Exchange in a particular State. Its presence or absence in the Act's provisions reflects style and grammar—not a substantive limitation on the type of Exchange at issue."

In effect, the government is saying that a string of words with clear meaning is the equivalent of an extraneous comma. Not that this is a persuasive argument; very consequential court cases often come down to grammar. The phrase "established by the State" is also used repeatedly, so if it's a matter of style, whoever wrote the law must have had a very peculiar form of Tourette's.

This argument is nearly as entertaining as the time during the oral arguments in the *Citizens United* case that Obama's deputy solicitor general Malcolm Stewart told the justices that campaign finance reform means the government may have to ban books. This prompted a horrified reaction even from the liberal justices. As it happens, the solicitor general overseeing that case was Elena Kagan, now seated on the Court and ready to hear the new solicitor general argue with a straight face that if you gave 1,000 monkeys 1,000 MacBooks, eventually they would end up typing "established by the State" over and over again. We offer no predictions on the ultimate outcome of



*King v. Burwell*, but we suspect the upcoming oral arguments will be filled with inadvertent comedy. ♦

## Keep the Change?

What is it about airlines that we find so aggravating? Let us count the ways: There's the baggage fee, the too-small seats, the \$8 sandwich, that special dirty-red carpet at the gate that only elite fliers get to walk on. And then there's the waiting list for seat upgrades. As noted in the *Wall Street Journal*:

Philip Rushton wasn't surprised when the business-class upgrades he'd requested on recent United Air-

lines flights to Hong Kong and back didn't come through. After all, frequent fliers are having less and less success landing upgrades these days.

What he didn't expect, though, was no refund of the \$1,200 he paid United in advance for the possible upgrade. The miles required for the upgrades were returned to his account, but not the cash "copay" of \$600 each way. He called to complain and United put through the refund, with an airline supervisor telling him the system had been broken for several years.

According to the *Journal's* Scott McCartney, "United says only a 'small number' of customers haven't received such refunds automatically.

The airline says it isn't sure why but hopes to have the problem fixed this year." In the meantime, sit back, relax, and enjoy the flight—and for an extra \$50, we'll give you six more inches of leg room. ♦

## A Panegyric for Presidents' Day

In malls today it is inhuman  
Not to talk of Taft or Truman,  
Nor should a shopper crack a joke  
Evoking faults of Ford or Polk.  
Make Roosevelts a Facebook "like"  
And generally embrace our Ike.  
No matter what you may have  
heard,  
Toast Silent Cal—without a word.  
May Andrew Johnson now receive  
Our pity and a brief reprieve.  
Until tomorrow pardon Nixon  
As well as every Clinton vixen.  
Let food courts ring with Taylor's  
praise!  
Remember Rutherford B. Hayes,  
Those Millard Fillmore glory days,  
Ulysses S.—plus his white horse—  
Van Buren, Tyler, too, of course,  
And celebrate, this chilly day,

Young JFK, then LBJ.  
Let rancor fade and no one mock  
Buchanan, Bushes, or Barack.  
Thank Washington and James

Monroe—  
And everybody, friend or foe,  
Republican or Democrat:  
*Don't mix up Garfield with that cat!*  
Avoid unfair comparisons  
When speaking of the Harrisons.  
Tom Jefferson and Franklin Pierce  
Should be provoking pride that's  
fierce.

Applaud The Great Emancipator;  
Educate an Adams-hater.  
Grant Madison what he is due,  
Be fair regarding Harding too  
And share what Hoover means to  
you.

Wear cardigans for Carter's years  
And give McKinley hearty cheers.  
Spread Cleveland's fame without  
dissension;  
Old Hickory deserves some  
mention.  
Keep Woodrow Wilson jokes  
suppressed;  
Chester A. Arthur did his best.  
Imagine them all, if you will,  
On Ronald Reagan's mythic hill.

—A. M. Juster

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## Car Talk

**A**ccording to my mechanic, that burning smell emanating from my car's vents was caused by an oil leak near the camshaft synchronizing sensor underneath the right side of the engine. Unfortunately I had no idea what he was talking about. He lost me at camshaft.

I'm sure I'm not alone. In high school, our guidance counselors reminded us that getting into the best colleges meant taking the most academically rigorous courses—advanced placement English, calculus, history, etc., plus studying a foreign language to near fluency. Those vocational-technical classes offered in carpentry, plumbing, and automotive repair? Perish the thought.

It's only gotten worse: As Andrew Ferguson writes in *Crazy U: One Dad's Crash Course in Getting His Kid into College*, "Native-born high school kids, my son's peers, were getting internships at investment banks and brokerage houses. . . . They were already laying pipe for their subsequent careers and, more immediately, for college applications. . . . And childhood now was a matter of setting life goals and arranging your activities in pursuit of them." Sadly, learning about cars is not a life goal. But it should be.

Although advanced placement classes can be enlightening (and obviously burnish a high school transcript), they can lack in practicality. Having taken AP biology, I can't tell you the last time my knowledge of the citric acid cycle came in handy. It certainly wasn't of any help as I stood in front of my mechanic waiting for him to tally the estimate for parts and labor.

Instead, I nodded attentively, as if I knew the difference between a cam-shaft and a crankshaft. On a previous

trip to the garage to replace a broken coil, the mechanic informed me the part had just arrived. "Oh, you mean this thing?" I asked, lifting up a screw on his desk. "Uh, no," he said. "I mean the box below," which was about the size of half my leg. In other words, who am I to question the claim that oil was leaking near the camshaft?

Who I am not is my old high school classmate Steve Palombi. A total gear-head, Steve loved talking about cars



and especially about torque. In fact, some of our classmates would teasingly yell to him "Torque!" in the hallways. I called Steve last week and asked if he remembered that. Very matter-of-factly, Steve explained, "Torque is the amount of force needed to move an object. It's much more important than horsepower." When someone boasts about a car's 300-horsepower engine, he shoots back, "You know what? How much torque do you have, pal?"

Steve said his love for cars and all things mechanical began in childhood. His late father, an elevator mechanic, allowed him to help out in the garage. After high school, Steve went to community college and earned an automotive degree (he currently works for the Otis Elevator Company). If at all possible, Steve avoids having someone else fix his cars and, I presume, has

saved himself tens of thousands of dollars in auto repairs. When I told him my car is a 2001 Volkswagen Passat, he groaned, "Oh, man, VWs have tons of ground issues." When I explained my car's oil leak near the camshaft, all he could say was, "Oof. That hurts just you telling me."

Steve, meanwhile, is in the midst of changing his window regulator and recently installed a bolt-on supercharger to his car. While listening to my old classmate elaborate on the problems of today's increasingly computerized car systems—though he still prefers fuel injection over carburetors—I couldn't help but think how useful it would have been to have taken an automotive repair class along with some of those courses in AP biology, history, and English (although I did write a killer essay on *The Color Purple*).

Don't get me wrong, I can check my oil and even change a tire. But it would have been nice to have learned the basics of an engine (even Queen Elizabeth II was a truck mechanic in her youth). Much to my embarrassment, my 7-year-old son, who has a passion for all things mechanical, had to ask his mother how a stick shift works. I just never got around to start.

But, as they say, it's never too late to learn. "It's a great way to bond with your kid," Steve added. Plus it would make me more useful in times of crisis. Which reminds me: In *The Disaster Diaries: One Man's Quest to Learn Everything Necessary to Survive the Apocalypse*, author Sam Sheridan writes that the most important people to have around you during a national emergency are a doctor, a farmer, and a mechanic. I couldn't resist asking the author, "What about writers?" Sheridan said he asked his physician the same question. The doctor laughed at him and replied, "We won't need writers!"

VICTORINO MATUS

# Barack, Bulworth & Bibi

**D**avid Axelrod is the man who, more than any other, could be called Barack Obama's brain (though Axelrod would be publicly horrified by the honorific, and would hasten to assure Valerie Jarrett that he has never been in communication with the editors of this magazine). In his new book, Axelrod describes a moment late in Obama's first term where Obama acknowledges having a "Bulworth" list of "issues on which he felt he had been insufficiently forthright," but about which he would be more candid in his second term. (The reference is to the Warren Beatty movie in which a candidate finally decides to tell the truth.) About what issues was Obama now going to be honest? One of them was Israel's prime minister, Benjamin Netanyahu, with regard to whom Obama "felt he had pulled his punches . . . to avoid antagonizing elements of the American Jewish community."

One's first reaction is that Obama needn't have worried, since major elements of the American Jewish community seem more committed to staying on good terms with Obama than to forthrightly defending Israel. But Obama perhaps mistakenly assumed that behind much of the Jewish community's bark there was some bite, and kept his true views under wraps until reelected.

No longer. The Obama White House's amazing assault on Netanyahu in recent months has culminated in the attempt to make sure, as one Obama aide put it, that "there will be a price" for the prime minister's accepting the invitation of the speaker of the House to address Congress. That price will not be limited to Netanyahu personally, though there has been no shortage of personal attacks on him. That price will also be exacted on the state of Israel. Why? Well . . . why not? The Israelis elected Netanyahu. Even the Israeli opposition parties say they won't give back all the "territories"—which includes the Old City of Jerusalem—to allow for the establishment of a terrorist-friendly or terrorist-dominated Palestinian state. Even the opposition parties seem to take seriously what Obama has said but doesn't himself mean, that an Islamic Republic of Iran with nuclear weapons is unacceptable.

Obama wants to claim that his problem is with Netanyahu. Obama's political allies on the left and his credulous well-wishers in the nominally pro-Israel parts of the Jewish community want to believe his problem is with Netanyahu. But his problem is with Israel, a state founded by a bunch of folks who Obama believes were unjust to the Palestinian Arabs living there and that is now inhabited by a bunch of folks who keep getting in Obama's way. Obama doesn't

have a Netanyahu problem. He has an Israel problem.

This is nothing new and nothing to panic about. The Jewish state and the Jewish people have survived far more formidable threats than Barack Obama. Still, dealing with a hostile American president isn't easy for the prime minister of Israel. But surely the worst way for Netanyahu to deal with Obama's hostility would be to succumb to bullying and cancel the speech he's been invited to deliver. Which means that friends of Israel, of whatever political party and whatever degree of hawkishness or dovishness on Iran, the Palestinian question, or a host of other issues, need to stand with Netanyahu. In doing so, they stand with Israel.

As a joint statement by Christians United for Israel and the Emergency Committee for Israel (which I happen to chair) put it,

Some Senators and Congressmen are now threatening to boycott the speech. Whatever their intentions and reasons, their action will be construed, at home and abroad, as a victory for the enemies of Israel and the enemies of a strong U.S.-Israel relationship. . . . Welcoming Israel's Prime Minister to the halls of Congress is the least that those who claim to be friends of the Jewish state should do.

Welcoming the prime minister with courtesy and respect as the leader of a democratic ally is the least we should do, but it's not all we can do. We can also learn from him. Netanyahu has spent many years on the front lines of the war on terror. As a young man, he was fighting terror while Barack Obama was fighting boredom. As an adult, while Obama was community-organizing his way to the presidency, Netanyahu was a participant in the civilizational struggle in which both Israel and the United States, as leaders of the West, are engaged.

While he may be less familiar than Obama with fictional movies like *Bulworth*, Netanyahu is undoubtedly familiar with the following historical moment: Just over 75 years ago, on September 2, 1939, Arthur Greenwood, deputy leader of the Labour party, rose in the House of Commons in response to remarks by Prime Minister Neville Chamberlain to speak for Labour. Greenwood was famously interrupted by the Conservative backbencher and fierce critic of appeasement Leo Amery, who startled the House by shouting across the aisle, "Speak for England!"

In that spirit, and in sad recognition that we can expect no such thing from our own president, we say to the prime minister of Israel: When you speak to Congress, speak for the West.

—William Kristol

# Rule by Judges

In case you haven't noticed, the Constitution is being amended—though not according to the process our supreme law actually provides for. Which is, first, that two-thirds of both houses propose the amendment and, second, that the amendment then be ratified by the legislatures of three-quarters of the states. None of that has happened with the amendment we speak of: Neither house has even considered it, much less voted overwhelmingly to send it to the states for ratification.

The amendment about to be enacted thus will not become the 28th; you won't find it in our Constitution. But it will reside in our constitutional case law, in a decision by the Supreme Court creating, as you may have guessed, a right to same-sex marriage. The Court recently took cases on the issue. It will hear arguments in April and render its ruling by early summer.

The movement for same-sex marriage has involved more than litigation strategy. The *Wall Street Journal* recently published a graph showing three "methods" by which same-sex marriage has been legalized in various states. Ballot measures have been used in three states, and state legislation in eight others. Both methods duly respect the authority of the people to decide issues the Constitution does not address—like the definition of marriage. But the third method used—"judicial decision," in the *Journal*'s taxonomy—has taken that authority from the people of no fewer than 26 states. The Court's expected decision this term will take it from the people of yet more; indeed, it will settle the issue in all the states.

We wish we weren't so convinced of the Court's likely decision in the several cases before it. But the Court's four judicial liberals would seem definite votes for a right to same-sex marriage, as would Justice Anthony Kennedy, because of his opinions in cases involving gay rights. The justices also—just recently—actually took a step that is fairly read as indicating support for creating a constitutional right to same-sex marriage.

The action involves Alabama, where one of the state's federal judges struck down state laws defining marriage as the legal union of one man and one woman. The judge ordered the defendant, Alabama attorney general Luther Strange, not to enforce the laws and denied his request to stay the injunction until the Supreme Court decided the cases now before it. The attorney general took his request for a stay to the federal circuit court of appeals, which also denied it, and ultimately to the Supreme Court, with the same result. Justice Clarence Thomas, joined by Justice Antonin Scalia, dissented.

"When courts declare state laws unconstitutional and enjoin state officials from enforcing them," wrote Thomas, "our ordinary practice is to suspend those injunctions from

taking effect pending appellate review." Last fall, the Court departed from that practice when it denied several stay applications by defendants seeking review of judgments invalidating state marriage laws. But in other same-sex marriage cases over the past year, the Court followed the ordinary practice and granted stay applications. Thomas distinguished between the cases in which a stay was denied and those in which one was granted, finding that the Alabama case was "like" the latter cases and thus "should have been treated no differently," especially since the stay would have been in place for no longer than it took for the Court's decision to be rendered.

That the Court declined the stay request means that same-sex marriages may lawfully take place in Alabama. Given the impact of that decision upon individual lives, it's hard to imagine the Court would have denied the stay application in February only to say there is no constitutional right to same-sex marriage several months later. Thomas's candid assessment is that the Court's action "may well be seen as a signal of the Court's intended resolution of that question."

He added: "This is not the proper way to discharge our Article III responsibilities [deciding 'cases and controversies']." Indeed it is not. The justices should at least avoid the appearance of deciding cases without briefing and oral argument, of not thinking much about cases of such obvious importance, which would effectively amend the Constitution. More, the justices wanting to create a right to same-sex marriage should be asking themselves where their authority lies for deciding an issue that the Constitution does not speak to and whose resolution it leaves to the people. It's not, we should say now, found in Article III of the actual Constitution.

—Terry Eastland

## Instead of Obamacare

Obamacare is an affront to American principles. It amounts to an unprecedented consolidation of money and control in the hands of the federal bureaucracy. It forces private citizens to buy a product or service of the government's choosing for the first time in history, and it bans millions of Americans who would otherwise choose to buy or keep other products or services from doing so. It costs trillions when we already owe trillions. A nation "conceived in liberty" is now operating under a health care law predicated on coercion.

Yet despite these high stakes, conservatives have given surprisingly little serious thought to how to repeal Obamacare. Some have put down unrealistic or unhelpful markers

—no new spending or taxes above the pre-Obamacare baseline—as if the problem were merely that Obamacare costs a lot and taxes a lot. Some pretend that if they do nothing, President Obama’s signature legislation will somehow fade away. Others have made peace with Obamacare and assume that most of it is here to stay.

But we can roll back the greatest domestic threat to limited government and liberty that most of us have ever faced. It’s obvious, and has been at least since the defeat of Hillarycare in the mid-1990s, that staying off the left’s attempts to socialize American medicine will require conservative solutions and reforms. The near-absence of such offerings in the 15 years from 1994 to 2009 provided fertile ground for Obamacare and enabled it to take root. Now that Obamacare is the law of the land, it’s all the more obvious that the only way to repeal it is to advance a winning alternative.

Such an alternative should pass two tests: (1) Will it pave the way to full repeal? And (2) will it fix what the government had already broken through the tax code (with the disparate tax treatment of individual and employer-based insurance) even before Obamacare was passed? The second of these is important; the first is indispensable.

Any viable conservative or Republican alternative to Obamacare would cut costs. But it must also deal with the thorny issue—used to great rhetorical advantage by Obama—of uninsured people with expensive preexisting conditions. Obamacare solves the problem by in effect outlawing the core principle (dating back to the Renaissance) of insurance itself—the idea that you buy coverage before you are sick or injured (or before your car crashes or your house burns or your spouse dies) as protection against that unforeseen event. Almost every Obamacare alternative under discussion would end this heavy-handed redefinition of insurance and replace it with a combination of commonsense insurance regulations and state-run, federally funded high-risk pools. While the specifics vary, the regulations would generally guarantee continuous coverage, while the high-risk pools would offer subsidized insurance to those whose preexisting conditions would make insurance unaffordable at market prices.

Given the general consensus on how a replacement of Obamacare should deal with preexisting conditions, what differentiates the Obamacare alternatives most sharply is their treatment of the tax code. Since World War II, the federal government has had its thumb on the scale, strongly favoring employer-based insurance over individual-market insurance. Thus, millions of Americans who buy their own insurance do so without a tax break, while their neighbors with employer-based insurance enjoy a large tax break. As a result, the individual market has largely dried up. And for all of its 2,700 pages of federal largess, Obamacare didn’t fix this unfairness in the tax code. Rather than cutting anyone’s taxes, it gives a small subsection of the population large subsidies while presenting most Americans with the tab.

Senators Richard Burr and Orrin Hatch and House Energy and Commerce chairman Fred Upton have advanced

the most visible Republican alternative on Capitol Hill. It would offer income-tested, age-based, refundable tax credits in the individual market to roughly the same people who get Obamacare subsidies. People could use the tax credits to help buy insurance of their choice, rather than the insurance Obamacare compels them to buy. At the same time, the proposal would cap the tax break in the employer-based market at \$30,000 for a family plan and \$12,000 for an individual plan. People eligible for tax credits but who “fail to make an affirmative choice”—that is, who don’t buy insurance—could be automatically enrolled in a plan. The alternative would repeal most but not all of Obamacare, keeping such things as its Medicare raid and its requirement that insurers cover 25-year-olds on their parents’ policies, while repealing Obamacare’s exchanges, exchange subsidies, taxes, and almost all of its mandates.

The Republican Study Committee and Louisiana governor Bobby Jindal have both advanced alternatives that would scrap the employer-based tax break altogether and offer a new standard deduction for all health insurance. The RSC proposal, supported by more than 100 House Republicans, would offer a tax deduction of \$20,000 for families and \$7,500 for individuals who buy health insurance, while Jindal’s proposal is less fleshed out. Under either alternative, people could use the deduction against both income and payroll taxes. Moreover, anyone who bought insurance that cost less than the value of the deduction could still take the full deduction, thereby encouraging people to shop for value. Both would repeal Obamacare in its entirety.

The 2017 Project (of which I am the executive director) has advanced an alternative that the nonpartisan Center for Health and Economy (H&E) says would cut spending by \$1.13 trillion below Obamacare over 10 years, while increasing private insurance rolls by 6 million. (H&E hasn’t scored the current versions of the other proposals.) Ed Gillespie championed this proposal and almost rode it to an upset victory in Virginia. It would offer flat tax credits, with three simple age bands, to everyone in the individual market—\$1,200 for those under 35 years of age; \$2,100 for those between 35 and 49; \$3,000 for those 50 and over—and \$900 per child. People who bought insurance for less than the value of their tax credit could put the difference into a Health Savings Account, and a further onetime tax credit of \$1,000 per person would be offered to anyone with an HSA. On the employer side, it would cap the tax break at \$20,000 for a family plan and \$8,000 for an individual plan. It would not include “auto-enrollment” and would repeal Obamacare in full. Moreover, because its tax credits would go to people of all incomes, giving most of them a tax cut, this alternative would likely provide a net tax cut even from the pre-Obamacare baseline—in addition to the \$1 trillion tax cut that would come from repealing Obamacare.

Again, the crucial questions are whether these alternatives would (1) lead to repeal and (2) fix the longstanding tax unfairness.

Beyond dealing with preexisting conditions, to survive politically, any winning alternative must be invulnerable to two lines of attack: that it dumps millions of newly insured people off their Obamacare-compliant policies, leaving them uninsured, and that it disrupts the employer-based insurance of roughly 160 million Americans.

An Obamacare alternative need not necessarily beat Obamacare on projected coverage numbers, especially since the Congressional Budget Office now says Obamacare has put more people on Medicaid than it has added to private insurance rolls, and will continue to do so. But an alternative does need to beat the pre-Obamacare number of Americans covered, by a wide margin, and it needs to accommodate those who got covered under Obamacare, including those diverted into Medicaid. In short, a winning alternative must address costs and coverage.

The Burr-Hatch-Upton alternative successfully deals with those who became newly insured under Obamacare. They would get tax credits to help them buy insurance of their choice. And Burr-Hatch-Upton wouldn't alter the tax treatment of the typical person's employer-based plan. Thus, its defenses are solid against both lines of attack. It would therefore meet the first criterion: It has what it takes to lead to repeal. But it doesn't pass the second test. Because its tax credits are income-based, it wouldn't eliminate the unequal tax treatment of most people who buy insurance through the individual market.

The RSC and Jindal proposals both pass this second test (fixing the inequity in the tax code), but would flunk the deal-breaking first test: They wouldn't lead to repeal. They are extremely vulnerable to both major lines of attack that Obama and his allies would like to launch. They have no real answer for the poor and near-poor who have gained coverage under Obamacare, and they would disrupt the tax treatment of every employer-based plan.

The attitude of Americans with employer-based insurance will largely decide Obamacare's fate. During the 2008 presidential campaign, John McCain advanced a proposal that would have disrupted employer-based insurance about as badly as the RSC and Jindal proposals would. Obama responded with the most frequently run political ad of the past decade. Repeating the McCain campaign's mistakes won't get us to repeal.

As for dealing with the near-poor, take this example. Under Obamacare, a family of five in Milwaukee, with 57-year-old parents making a total of \$30,000 a year, gets a staggering \$20,567 a year in Obamacare subsidies, plus further subsidies for out-of-pocket costs. Under Burr-Hatch-Upton, that family would get an \$11,110 tax credit with which to shop for insurance. But under the RSC and Jindal alternatives, because the family pays no federal taxes—that is, their income tax refund exceeds their payroll taxes—they would go from a subsidy of \$20,567 to a tax deduction of zero. Imagine the heyday Obamacare defenders would have with that.

Jindal claims that his alternative is "truly conservative"

and that most other alternatives are really Obamacare Lite. But his alternative would give us Obamacare Forever, and there is nothing conservative about that.

The 2017 Project alternative, like the RSC and Jindal proposals, would end the inequity in the tax code. Because its tax credits would go to everyone in the individual market, a 35-year-old single woman making \$35,000 a year in Fairfax County, Virginia, who gets no Obamacare subsidies and a mere \$3 tax credit under Burr-Hatch-Upton, would get a \$2,100 tax credit to buy insurance of her choice. If she doesn't itemize her deductions (and likely even if she does), this tax credit would come entirely in the form of a tax cut. Advocates of repeal have generally overlooked the huge political upside of offering an overdue tax cut to millions of Main Street Americans who get nothing under Obamacare.

Unlike the RSC and Jindal alternatives, however, the 2017 Project alternative also deals effectively with the poor and near-poor, who are Obamacare's primary focus. The Milwaukee family that gets \$20,567 in Obamacare subsidies—and nothing under the RSC and Jindal proposals—would get an \$8,700 tax credit (\$3,000 for each adult and \$900 for each of their three children) under the 2017 Project proposal to buy insurance of their choice on the open market. That would be enough to make insurance affordable even if they didn't supplement the credit with their own money, according to the federal government's own figures on the cost of insurance in each state for various ages and family sizes, released by the Government Accountability Office on the eve of Obamacare's implementation.

Nor would the 2017 Project alternative blow up the employer-based market. Under it, the tax break for the typical person's employer-based insurance wouldn't change at all. And even a family with, say, a \$25,000 employer-based plan would still get the full tax break on the first \$20,000.

Thus, the 2017 Project alternative passes the first and crucial test—it would lead to repeal. It also passes the second test: By finally ending the unfairness in the tax code, it would revitalize an individual market that the government broke. In short, by offering a non-income-tested tax credit to every American in the individual market, the 2017 Project alternative—or one similar to it—would be a political winner.

The American people clearly want repeal, but only in the context of a superior conservative alternative—one that would meaningfully deal with both costs and coverage and would do so without needlessly jeopardizing employer-based insurance. A McLaughlin & Associates poll from last fall found that, if offered "a conservative alternative that aims to lower health costs and help people get insurance," Americans favor repeal by 60 to 32 percent.

The repeal of Obamacare would be the greatest domestic policy win in the history of the conservative movement. It can happen. There is no substitute for victory. But victory is possible only if the alternative that is advanced to replace Obamacare is the right one.

—Jeffrey H. Anderson

# No-Go, Indeed

France's lawless zones.

BY JOHN ROSENTHAL

The recent controversy over a Fox News segment on “no-go zones” in France, culminating in Paris mayor Anne Hidalgo’s threat to sue the American channel, was a surreal experience for French-speakers, connoisseurs of France, and, above all, the French themselves. For while the original remarks by Fox interviewee Nolan Peterson contained some fuzziness and error, the existence of such zones has been universally acknowledged in France for years: by members of all political parties, including Hidalgo’s own Socialists, and all media, including the leftist media. There is controversy over what is to be done about these “no-go zones.” But there is no more controversy over their existence than there is controversy over the sun rising in the east and setting in the west.

Of course, the French do not use the expression “no-go zones,” because the French speak French. Their expression is “*zones de non-droit*,” literally “lawless zones,” so described because the police are incapable of maintaining a regular enough presence in them to enforce the law. The police are reputed barely even to risk venturing into the *zones de non-droit*—hence the colloquial English expression “no-go zone” provides an apt translation.

As applied, above all, to some of the notoriously rough areas on the periphery of France’s major urban centers—the famous *banlieues*—the term first gained wide currency about 15 years ago. French media were rife with stories of police officers and other representatives of public authority coming

under attack upon entering such neighborhoods. In 2001, French criminologists Alain Bauer and Xavier Raufer established a list of 19 such “lawless” or “no-go” zones. In a 2002 study, Vincent Trémolet de Villers explained, “This list contains only those neighborhoods that are in a state of quasi-permanent secession: i.e., at any time of the day, the police, the fire department or even a pizza delivery man cannot enter these neighborhoods without risking attack.”

*Zones de non-droit* is not an official administrative designation, and



A frame from the Fox News report on no-go zones in Paris

it is difficult to say exactly how many such zones exist in France today. *Zones urbaines sensibles*—roughly, “fragile urban zones”—are a separate matter, and it has been a mistake on the part of American commentators to call all 751 ZUS “no-go zones.” That list of economically disadvantaged neighborhoods was established in 1996 strictly for purposes of urban development. The ministry of the interior maintains a list of 80 “priority security zones” (ZSP), which are particularly hard hit by crime and violence. Of these, no less than three are in Paris proper and another six on the outskirts of Paris.

As minister of the interior from 2002 to 2004, Nicolas Sarkozy made combatting the *zones de non-droit* one of his top priorities, and he took up the theme again when he became president in

2007. But it is not only the security-conscious French right that employs the expression: Socialist and even Communist politicians do as well. This is hardly surprising, as many leftists have served as mayors of the areas in question. In 2011, for instance, former Socialist minister of the interior Daniel Vaillant challenged Sarkozy’s record on tackling urban violence, insisting that “the *zones de non-droit* have spread under Sarkozy.”

The Socialist politician with perhaps the most intimate knowledge of conditions in the *banlieues*, Malek Boutih, has been warning about the spread of lawlessness in France’s urban slums for at least as long as Sarkozy, in terms that are, if anything, more dramatic. In 2002, Boutih, then president of the French antiracism organization *SOS Racisme*, told *Le Monde* that drastic action needed to be taken against the

“barbarians of the *cités*.” *Cités* (a cognate of our “cities”) is the colloquial term for France’s sprawling public housing projects, which have become notorious centers for drug-dealing and other forms of illegal trafficking and where criminal gangs are known to lay down their own law in the absence of the forces of order.

“There’s no more time to wait,” Boutih told *Le Monde*. “One has to get into them, hit hard, vanquish them, retake control of territories that have been abandoned to them by local officials out for their own peace and quiet.” Boutih concluded that “either one retakes control of the *cités* or one descends into large-scale crime.”

Is Hidalgo also going to sue her fellow Socialists Vaillant and Boutih? Or does she prefer the noncolloquial English expression “lawless zones” to “no-go zones” and think that the former might be better for Paris’s international image?

A second mistake that has affected the American discussion has been the assumption that these zones are Muslim per se. Reflecting recent patterns of immigration to France, the population of the disadvantaged *banlieues* is mixed. While a large portion of residents have roots in France’s former

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North African colonies, where Islam is the predominant religion, there is also a significant portion with roots in sub-Saharan Africa, and the latter are as likely to be Christian as Muslim.

The mistake started a decade ago, when many American commentators treated the riots that broke out in the *banlieues* in 2005 as “Muslim riots.” Apart from their being overwhelmingly young and male, the rioters represented a cross-section of the population of the neighborhoods where the violence erupted. Even if this means that a majority came from traditionally Muslim families, there is no evidence Islam or Islamic organizations played any role in the outbreak or progression of the rioting. Indeed, criminologist Alain Bauer noted that neighborhoods where Islamic organizations were strongest remained relatively calm.

Nonetheless, it is equally true that as the institutions of the French state have withdrawn from the “lawless” or “no-go” zones, Islamic institutions and authorities—often self-styled “authorities” of a particularly radical bent—have moved in to propose an alternative source of order. There is no more controversy about this in France than there is about the existence of the zones themselves. A 2004 report by French domestic intelligence, revealed by *Le Monde*, identified no less than 300 neighborhoods, comprising some 1.8 million inhabitants, that had become or were in the process of becoming Islamic “ghettos.”

The report cited, among other indicators of this development, the practice of polygamy in some families, an increasing tendency to wear “religious clothing,” and a “degradation of the status of women”—in particular, women of North African origin who have adopted a Western lifestyle and “who are regularly victims of insults and violence.” The report noted the regular presence of fundamentalist preachers in over 200 of these neighborhoods and warned about their influence on “young people and children, who are taken under the wing of numerous associations working in the domains of sport or education.” The increasing

influence of Islamic fundamentalism was especially evident in the regular public schools, where teachers had noted a “radicalization of religious practices (Ramadan, dietary prohibitions), a certain calling into question of courses in history, natural science, and physical education,” and where “young girls are pressured to wear headscarves by the male pupils.” The proselytism begun by radical preachers over a decade ago has since borne fruit in, among other things, the flow of French youth to Syria to take part in jihad.

Malek Boutih, whose parents emigrated to France from Algeria, is particularly emphatic about the dangers posed by the growing influence of radical imams in the *banlieues*. In the aftermath of January’s deadly home-grown terror attacks, he denounced the rise of what he described as “a new form of Nazism, Islamo-Nazism” and called for certain urban neighborhoods to be placed under the direct tutelage of the central government.

“We have a problem with ghettos,” Boutih told the weekly *Le Point*, “a problem with anti-Semitism, a problem with the application of secular norms. When special opening hours are proposed for women at the pool in certain municipalities, it’s already a problem. . . . When parents refuse to allow their daughter to wear shorts in gym class, it’s a problem.” Updating his earlier analysis, Boutih accused local officials of having “made deals” with both the “thugs” and the fundamentalists. “We can no longer permit the flourishing of supermarkets for drugs in the projects,” Boutih continued, “which, as we see, support networks in which gangsters and Islamo-Nazis join hands.”

When one consults French sources, what could seem like the most preposterous claim made by Nolan Peterson on Fox—that he had seen a young resident of the *banlieues* wearing an Osama bin Laden T-shirt—appears not so unlikely after all. “It’s become a war-cry, a figure on T-shirts, an idol,” Trémolet de Villers wrote in his study of the *zones de non-droit*. “When the television, the radio, the journalists come to interview the

young people from the projects, they repeat, ‘Osama is too cool.’ One writes his name on the walls of the city, preferably on those of synagogues. One shouts, ‘Long live Bin Laden!’”

Is Hidalgo also going to sue Trémolet de Villers? He is now the editorial page editor of *Le Figaro*, France’s leading conservative daily.

But however mind-bending the spectacle of French politicians and media denouncing allusions to conditions that have been described and debated by French observers themselves for over a decade now, the most surreal moment was provided by the tour of Paris’s 19th arrondissement that Hidalgo gave her New York counterpart, Bill de Blasio. The point of the visit appears to have been to refute Fox News and provide an example of successful integration *à la française*.

As it happens, a large swath of the 19th constitutes one of the 80 high-crime, high-violence “priority security zones” identified by the ministry of the interior. But the 19th is certainly a more pleasant and varied destination than some of the dreary and troubled *banlieues* that lie just beyond its borders. Perhaps its most charming attraction is the beautifully landscaped Buttes-Chaumont Park, with its jagged cliffs rising out of a manmade lake. It was here in 2004 that a 22-year-old named Cherif Kouachi would meet with like-minded residents to train for jihad. The group, which specialized in the dispatch of mujahedeen to Iraq, came to be known to the police as the “Buttes-Chaumont group.” In January 2005, just before his scheduled departure, Cherif Kouachi was arrested. His elder brother Saïd was also arrested, but never charged, in connection with the Buttes-Chaumont group.

Ten years later, the Kouachi brothers burst into the offices of the French satirical weekly *Charlie Hebdo* with Kalashnikovs blazing. Leaving the scene of the massacre, one of the brothers calmly raised his gun to the sky and declared, “We have avenged the Prophet!”

If the 19th is a French success story, the country clearly does not need failures. ♦

# He's a Raging Partisan

The big lie of Obama's presidency.

BY FRED BARNES

President Obama's claim to have disapproved of gay marriage until he changed his mind in 2012 has been exposed as a lie. It was a small, politically expedient lie, but it got a lot of attention last week. Meanwhile a bigger lie hovers over the Obama presidency like an avenging angel, unseen and unheard.

The bigger lie wasn't a fleeting comment. It was the crux of Obama's presidential campaign. He didn't say he was more liberal and more experienced than his opponents. But he did say he knew how to cleanse Washington of political and ideological polarization, raging partisanship, the frequency of personal attacks, and general dysfunction. This made him unique—and very, very appealing.

He repeated the theme in campaign speeches. And in his Inaugural Address in January 2009, he said: "We have come to proclaim an end to the petty grievances and false promises, the petty recriminations and worn-out dogmas that for far too long have strangled our politics . . . the time has come to set aside childish things."

As he left the inaugural ceremony, former House speaker Newt Gingrich told his wife, Callista, "If he'll govern the way he just spoke, he'll be Eisenhower. . . . He'll split the Republican party. He'll dominate the country."

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*Speaking of petty grievances and false promises . . .*

But Obama hasn't governed like Ike, a unifying national leader. Almost instantly, he became a highly partisan president. He had promised to consult Republicans in Congress and listen to their ideas. Yet he's done that rarely and then usually in a false show of bipartisanship. He insinuates Republicans have nothing worthwhile to tell him.

He has passed up two opportunities to join the country in moving to the political center, the first after the Republican landslide in the 2010 midterm elections, the second after the GOP captured both houses of Congress in November's midterm vote.

Instead, he has challenged the legitimacy of the 2014 midterms, noting that only one-third of those registered actually voted. He pressed the point as recently as last week in a speech in Indianapolis. Here's what he said:

When people are involved and informed and taking the time to ask questions and let their opinions be known, then ultimately the government will respond. But if only a third of the people are saying anything, the government doesn't respond, and you get the government that we've seen in Washington lately—which is unresponsive and is not doing enough.

In fairness, Obama was referring not to his administration specifically but to our system of government. But the point—that the results of the 2014 elections were less than fully legitimate—is the same. And rather than

accommodating the outcome, he's fighting it. In January, he set a record for veto threats by a president in the first month of a new Congress—eight.

With his professed distaste for personal attacks, one might suspect Obama would have magnanimously refrained from indulging in such attacks himself, or at least softened any of his own. But his reelection campaign unleashed brutal attacks on Republican Mitt Romney amounting to character assassination.

And though he had positioned himself as a champion of national unity, Obama has been a divisive force on racial, economic, and political concerns. He spoke out in racially loaded controversies involving the brief arrest in Cambridge, Massachusetts, of Harvard professor Henry Louis Gates and later the killing of Trayvon Martin, saying he saw the Florida teenager as the son he didn't have.

On the economy, the president continues to go after American companies for not paying U.S. taxes on their overseas profits without mentioning that they pay taxes to foreign governments. If they did pay U.S. taxes as well, foreign competitors would have the advantage since they don't pay taxes on foreign earnings to their home governments. In politics, Obama often characterizes Republicans as proponents of no government at all or says they have no proposals or ideas to deal with national problems. None of this is true. When he unveiled a plan for free community colleges, he didn't seek advice from Rep. Bradley Byrne (R-Ala.), who had run his state's community college system.

As a candidate in 2008, Obama said questioning "who is—or is not—a patriot all too often poisons our political debates in ways that divide us rather than bring us together." Last year, however, he said he prefers "a patriotic" Republican party to the one that opposes him. He also accused Republicans of favoring "party over country" and declared himself an advocate of "economic patriotism," implying that those who differ with him are unpatriotic.

Perhaps it's a mistake to expect Obama to live up to what he said in his campaign (and repeated later). He is a politician. And don't they all fall short of their campaign promises? Yes, they do.

But Obama has put himself in a higher class, morally speaking. He did this with his 2004 speech at the Democratic convention. "There is

not a liberal America and a conservative America—there is the United States of America," he said. "There is not a black America and a white America and Latino America and Asian America—there's the United States of America."

Great speech. Too bad Obama acts as if he never spoke those inspiring words. ♦

Mora County, and so is "seeking to engage in activities prohibited by this ordinance," which includes filing a lawsuit challenging the ordinance.

Still, none of that can top the truly amazing part of County Ordinance 2013-01. Yes, the preamble and early sections are goo of a high order. The concept of rights is somehow capacious enough that—in a line wondrous in its cluelessness—"ecosystems in Mora County possess a right to a sustainable energy future," even while the ordinance denounces the extension of the concept to include corporations. And yes, the notion that Mora has the power to ignore "any state or federal agency," including the U.S. Supreme Court, is something of an overreach.

But the most fascinating moment in the ordinance comes in Section 11, where Mora County, New Mexico—with just under 5,000 people scattered across almost 2,000 square miles northeast of Santa Fe—threatens to secede from the United States if its anti-oil ordinance is attacked or the state and federal governments attempt "to intimidate the people of Mora County or their elected officials." They're talking civil war in Mora. They've passed a county ordinance that explicitly contemplates taking "actions to separate the County from the other levels of government."

This January, a year after SWEPI (a subsidiary of Royal Dutch Shell) challenged the ordinance in federal court, District Judge James O. Browning issued a 199-page order striking down the law in its entirety. No oil and gas drilling is actually taking place in the county—and thus none of the fracking the ordinance particularly denounces—but a handful of minor extraction leases do exist. And on the basis of those leases, Browning decided that SWEPI had standing to sue. Its takings and due-process claims were not ripe for federal adjudication, he concluded, but on the rest of the oil company's constitutional claims, Browning systematically dismantled the county's arguments.

# Fracking the Constitution

Secessionism on the left.

BY JOSEPH BOTTUM

Rivers have rights, they say down in Mora County, New Mexico—"inalienable and fundamental rights," beyond the power of any government to touch. Aquifers, too. Wetlands, streams, ecosystems, and even "natural communities," whatever that undefined term means: All of them have rights to "exist and flourish." The land itself has an "intrinsic right" to "exist without defilement."

It's all written down in County Ordinance 2013-01. Mora is a "multi-cultural community with indigenous roots of Many," the ordinance explains. And thanks to three foundational documents—the 1776 Declaration of Independence, the 1848 Treaty of Guadalupe Hidalgo, and the 1994 Mora County Comprehensive Land Use Plan—everybody and everything in Mora has got rights. Everybody and everything, that is, except the United States government, the New Mexico State government, oil and gas drillers, corporations, and anyone who disagrees with

Ordinance 2013-01. They don't have any rights at all.

Seriously. The ordinance openly names the First and Fifth Amendments when it strips corporations of rights. No freedom of speech or power to petition the government for a cor-



An anti-fracking sign in Mora County

poration, no access to a trial or due process of law. In fact, when the topic is oil and gas, even individual citizens lack rights to sue and have legal judgments enforced—because, in a nice bit of circularity, the very act of suing or trying to enforce a judgment is a crime. Drilling for oil is illegal in

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“Certain provisions of the Ordinance blatantly contradict federal law,” the decision notes. Indeed, if Mora’s claims were upheld, “it would signal the end of all civil rights that the Constitution protects. A county could pass an unconstitutional ordinance, but then say that anyone who challenged the ordinance lacks constitutional rights to support the challenge. The county could enforce its unconstitutional ordinance free of constitutional restrictions, because no one could challenge the validity of the ordinance. The consequences of such an outcome could be devastating to the Union as the Nation has known it since the Civil War.”

That mention of the Civil War is as close as Judge Browning comes to acknowledging the secessionism in Mora County Ordinance 2013-01. The trouble all started when a local antidrilling activist named Kathleen Dudley caught the ear of John Olivas, chairman of Mora’s three-member county commission. Together, they searched for information on how to ban fracking—the kind of thing recently attempted, more or less successfully, in Denton, Texas, Boulder, Colorado, and Dryden, New York. Unfortunately, what they found was the name of Thomas Linzey, cofounder of the Community Environmental Legal Defense Fund of Mercersburg, Pennsylvania.

By the time Linzey’s law firm was done, the county had a model ordinance that claimed to overrule the Constitution by resurrecting the local-rights arguments of John C. Calhoun in the Nullification Crisis of 1832. “A majority of the county commissioners, and a number of county residents,” a leftist New Mexico lawyer named Lora Lucero complained, “have been hoodwinked by a Pennsylvania law firm to serve as a guinea pig for a legal experiment which will likely cost the county big bucks in damages and attorney’s fees.”

But from the point of view of those carpetbagging lawyers, that was rather the point. People in a small rural county wanted to ban fracking—something more symbolic than consequential, given that no one had actually proposed

fracking in Mora County. Still, grant the local citizens the desire. The Community Environmental Legal Defense Fund took that desire and made it the deliberately doomed vehicle for a grand gesture against the legal status of corporations as affirmed by that *bête noire* of the left, the Supreme Court’s 2010 *Citizens United* decision. And then the Community Environmental Legal Defense Fund took its own anticorporate gesture, seasoned it with pseudonature mysticism about the rights of rivers, and arrived at a constitutional argument about local nullification and rights of secession—an argument seldom heard since the South’s pre-Civil War defense of slavery.

It was awfully close to sedition then, and it is awfully close to sedition still. “With this decision, the Court affirms what our communities already know, that the existing structure of law denies local, democratic self-governance,” Linzey announced

the day after Judge Browning’s decision. “The existing structure of law denies communities the authority to protect themselves from fracking. The existing structure of law denies communities the authority to protect their water and the natural environment.”

The *existing structure*, you see, but not necessarily the lasting one. In October 1862, J.E.B. Stuart’s Confederate cavalry raided Mercersburg, Pennsylvania, seizing horses, food, ammunition, and black freemen to carry off into slavery. And if anyone had asked Stuart by what right his rebel troops did so, he would probably have answered with many of the same arguments that the Mercersburg lawyer Thomas Linzey now uses to denounce the Supreme Court and the rule of law. The same arguments that Linzey sold to a New Mexico county that only wanted to jump on the bandwagon of local governments’ feel-good legislation to ban fracking. ♦

## Euthanasia Comes to Canada

Are we next?

BY WESLEY J. SMITH

This month, the Canadian Supreme Court trampled democratic deliberation by unanimously conjuring a constitutional right to “termination of life” for anyone who has an “irremediable medical condition” and wants to die. Note the scope of the judicial fiat is not limited to the terminally ill: The ruling grants competent adults a right to die if they have an “illness, disease, or disability that causes enduring suffering that is

intolerable to the individual,” including “psychological” pain.

Even these broad words inadequately describe the truly radical social policy Canada’s Supreme Court has unleashed. For example, a treatable condition can qualify as “irremediable” if the patient chooses not to pursue available remedies. So an “irremediable” condition that permits life-termination may actually be wholly remediable, except that the patient would rather die than receive care.

Imagine the hypothetical Sally, with diabetes (or HIV, heart disease, neuropathy, early-stage cancer, you name it) that can be fully controlled

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by medication. She decides she wants to die (for whatever reason) and claims that available treatments are “not acceptable” to her. Presto chango, her theretofore treatable illness is suddenly an irremediable condition. Ditto Harley, who becomes clinically depressed after his business fails—a diagnosable “illness, disease, or disability”—and refuses psychiatric treatment in order to seek death.

But there's more: The Supreme Court not only invalidated the federal law prohibiting assisted suicide for those with an irremediable medical condition, but also the law that states, “No person is entitled to consent to have death inflicted upon him, and such consent does not affect the criminal responsibility of any person by whom death may be inflicted on the person by whom consent is given.” Hence the court created a right in the Canadian Charter of Rights and Freedoms to Dutch-style active euthanasia.

Doctors who morally object to killing patients might be forced to participate. The court gave Parliament 12 months to pass legislation consistent with its sweeping opinion, stating that “the rights of patients and physicians will need to be reconciled” by such legislation or left “in the hands of physicians' colleges.”

That may leave doctors who embrace Hippocratic values twisting in the wind. Quebec, which legalized euthanasia last year, requires all doctors asked for death by a legally qualified patient to give the lethal jab or refer to a doctor who will. Professional medical societies in Canada also appear ready to quash physician conscience. The College of Physicians and Surgeons of Saskatchewan, for example, recently published a draft ethics policy that would force doctors with a moral objection to providing “legally permissible and publicly-funded health services”—which now include euthanasia—to “make a timely referral to another health provider who is willing and able to ... provide the service.” If no other doctor can be found to do the deed, the

original physician will be required to comply, “even in circumstances where the provision of health services conflicts with physicians' deeply held and considered moral or religious beliefs.” In other words, a willingness to kill patients who want to die may soon become necessary to practice medicine in Canada.

What does this mean for the United States? First, Dutch- and Belgian-style euthanasia—in which psychiatrists can euthanize the mentally



What a difference 22 years makes.

ill and general practitioners lethally inject the elderly “tired of life” and people with disabilities—has invaded North American shores. Since many Americans see our northern cousins as more socially enlightened, the ruling could ease the advocacy burden of assisted suicide advocates who work like termites to undermine Hippocratic values here.

On the other hand, the decision does have the virtue of honesty—demonstrating unequivocally that assisted suicide is not about “terminal illness,” as domestic advocates mendaciously contend. Indeed, Barbara Coombs Lee, head of Compassion and Choices (formerly the Hemlock Society) lauded the ruling enthusiastically in a press release:

We applaud and thank the Canadian Supreme Court for placing the patient at the center of fundamental end-of-life decisions. The eloquence of this ruling will inspire everyone who believes in individual freedom at life's end. We in the U.S. agree that

denying people the ability to determine their own medical treatments and the degree of suffering they endure curtails liberty.

If Compassion and Choices really believed that assisted suicide should be strictly limited to the terminally ill, it would have criticized the decision as going too far. (Showing her true colors, Lee has also strongly implied she would support euthanasia for Alzheimer's patients unable to make their own decisions, saying, “It is an issue for another day but is no less compelling” than legalizing euthanasia for the competent terminally ill.)

Finally, what are the prospects for a U.S. Supreme Court ruling forcing euthanasia down our collective throat? Not high in the short term. Advocates blundered in 1997 by seeking an assisted suicide *Roe v. Wade* before the issue was ripe culturally, culminating in two 9-0 decisions denying a constitutional right to doctor-facilitated death.

But that should not make us sanguine. I expect assisted suicide advocates to pursue a jurisprudential strategy intended to give the Supreme Court a pretext for revisiting the issue: Obtain rulings by several state supreme courts creating state constitutional rights to “aid in dying”—cases have just been filed in New York and California, and one is on appeal in New Mexico—while working to legalize assisted suicide through democratic means. Once a critical mass appears to have formed, argue that the changed social and legal circumstances justify a second Supreme Court review. Indeed, that is precisely the advocacy approach that convinced the Canadian Supreme Court to reverse its 1993 ruling against assisted suicide.

Twenty-two years ago, there was no right to assisted suicide in Canada. Now, with the flip of a judicial switch, there is a right to active euthanasia. The Canadian Charter of Rights and Freedoms didn't change during that time. The arrogance of judges did. ♦

# A Herd of Elephants

## *Handicapping the 2016 GOP field*

BY STEPHEN F. HAYES

**I**t's still two years before the next president takes the oath of office, but the contest that will determine who raises his right hand that day started in earnest last month for Republicans, with a grassroots gathering in Iowa and a meeting of high-dollar donors in California.

With that, it's time for my highly anticipated ranking of the Republican primary field. Okay, okay—that might be a stretch. These are probably unanticipated rankings. But with the Iowa caucuses less than a year away Republicans across the country are already abuzz about the possibilities. The assessments below are based on dozens of conversations with grassroots conservatives in early states like Iowa and New Hampshire and South Carolina; with Republican officeholders at virtually every level of government; with national Republican strategists, fundraisers, and operatives; with advisers and consultants to the emerging campaigns; and in several cases with the candidates themselves.

So in reverse order—from least likely to most likely—here's a look at the prospective GOP nominees.



**DONALD TRUMP.** Trump seems convinced that there is a groundswell of support for a Trump White House. And he seems confident, well, about pretty much everything. "Over the years I've participated in many battles and have really almost come out very, very victorious every single time," he once said. "I've beaten many people and companies, and I've won many wars. I have fairly but intelligently earned many billions of dollars, which in a sense was both a scorecard and acknowledgment of my abilities." Clown show.

**PAUL RYAN.** The Wisconsin congressman and 2012 vice presidential nominee has taken himself out of the race. He still has a better chance of being the nominee than Donald Trump.

Stephen F. Hayes is a senior writer at THE WEEKLY STANDARD.

**GEORGE PATAKI/BOB EHRLICH.** Former Maryland governor Bob Ehrlich lost to Martin O'Malley by 14 points in 2010, a very favorable year. Any thought that Maryland was simply unwinnable for a Republican was invalidated in 2014, when a relatively unknown GOP activist named Larry Hogan defeated heavily favored Lieutenant Governor Anthony Brown 51-47. It's unclear what George Pataki, another former governor, could possibly be thinking.

**LINDSEY GRAHAM/JOHN BOLTON.** If Lindsey Graham decides to run, he will do so largely to ensure that a hawkish, internationalist approach to national security issues remains part of the debate. The same is true for John Bolton. They are different kinds of hawks. Bolton is harder-edged and less taken with democracy promotion than Graham, a more eager

soft-power interventionist. They differ on other issues, too (interrogation, immigration, and gay marriage, to name a few). Neither man will be the nominee, but if either one appears in debates next fall, his presence will be sure to boost the foreign policy content of the proceedings.



**CARLY FIORINA.** The former Hewlett-Packard executive in 2010 lost her bid to serve as senator from California, an unfriendly state to Republicans even in a good year for the party. She's highly intelligent and has a lot of money but little chance of catching a wave. This feels like a play to make sure (a) Republicans have a smart woman in the debates, and (b) Fiorina is considered for a top position in a future GOP administration.

**RICK SANTORUM.** The 2012 Iowa caucuses went to Santorum for two reasons: His social conservatism was attractive to like-minded voters, particularly in the northwest part of the state, and he wasn't Mitt Romney. Santorum is still not Mitt Romney, but with several viable candidates in the field this time, that won't take him nearly as far as it did

GRAHAM, NEWSCOM; OTHER IMAGES, GAGE SKIDMORE



**Santorum**

in 2012. As a champion of social conservatism, Santorum will be competing with former Arkansas governor Mike Huckabee for the same political space. If Santorum couldn't win the nomination in 2012 with a very weak field, it's hard to see how he wins in 2016.



**BEN CARSON.** The accomplished neurosurgeon is wildly popular with the conservative grassroots. As Fred Barnes reported in these pages, Carson's book outsold Hillary Clinton's *Hard Choices* by nearly 100,000 copies. He talks to voters like a normal person and emphasizes a kind of

everyday common sense that is in short supply in Washington. But his main asset may also prove to be his main liability. A little political incorrectness can be refreshing, but only a little. Carson has said that living in the United States under Barack Obama is "very much like Nazi Germany." No, it's not. But when he was asked whether he stood by his assessment, Carson wouldn't back down.



**MIKE HUCKABEE.** The former Arkansas governor consistently polls near the top of potential Republican candidates. He's well known and has an easygoing, aw-shucks personality that makes him appealing. Huckabee showed in 2008 that he can be a very effective debater, and he is one of most entertaining and engaging speakers in politics today.

If he runs, Huckabee will emphasize middle-class economics. So will everyone else in the race, of course, but it's a theme Huckabee has been hitting for years—the divide between "Wall Street and Main Street." In an NBC News debate in October 2007, a full year before the economic crisis, Huckabee chastised his fellow Republicans for happy-talk about the economy under George W. Bush.

Voters are "going to hear Republicans on this stage talk about how great the economy is, and, frankly, when they hear that, they're going to probably reach for the dial. I want to make sure people understand that for many people on this stage, the economy's doing terrifically well, but for a lot of Americans it's not doing so well. The people who handle the bags and make the beds at our hotels and serve the food, many of them are having to work two jobs, and that's barely paying the rent."

Huckabee doesn't speak for long without dropping a

corny cliché. "Voters want inspiration, not just information," he told me last March. A successful candidate is someone who "plans your work and works your plan." The problem with Mitt Romney in 2012: "Nobody cares how much you know unless they know how much you care."

If he sounds a bit like someone hawking natural remedies for diabetes or who wants to warn you about "Seven Things That Activate Alzheimer's in Your Brain," it's because he's doing just that. Although he left his Fox News show to explore a presidential run, Huckabee is still sending out spammy emails to his political list to raise money. And, as Andrew Ferguson wrote in these pages last week, "Huckabee seems to want to cement his image in the public mind not as a successful governor of an unsuccessful state but as a preacher and a talk show host. It is a deadly combination."



**BOBBY JINDAL.** The Louisiana governor has a well-deserved reputation as a policy wonk and an equally well-deserved reputation as an eager and ambitious politician who is relentlessly on message. Among the main questions for Jindal: Can he make Republican primary voters want to have the proverbial beer with him or will they mostly look to him as a guy who gives a great PowerPoint presentation on the complexities of Medicaid funding mechanisms? He's surrounded himself with a first-rate team. If they can't manufacture a Jindal surge, no one can.



**RAND PAUL.** Rand Paul is probably the best organized candidate in the Republican field. He has a vast network of eager employees and volunteers in Iowa, New Hampshire, South Carolina, and Nevada—the first four contests next year. He has quietly secured endorsements from Republicans in Congress, and he is aggressively pressuring others to commit to him now. His events draw large crowds that often look more like a campus diversity rally than a typical county Republican chicken dinner. He deserves—and receives—credit for his outreach to groups that seldom vote Republican. Media coverage of Paul as a prospective candidate is often filled with praise for this outreach, and so are Paul's own speeches.

*Time* recently put Paul on its cover and declared him "the most interesting man in politics." That alone is probably enough to get him generally positive media coverage. And the fact that many of his arguments reinforce media stereotypes of Republicans—that they're arrogant in the conduct of foreign policy, that they're closed-minded about

minorities, that they're priggish about morality—ensures that such favorable coverage will likely continue.

But as Paul learned recently with the dust-up over his comments on vaccines (he suggested a link between vaccines and "profound mental disorders")—and might have learned a while back amid controversy over comments about the 1964 Civil Rights Act—thinking out loud as a presidential candidate is very different from debating with college buddies between bong hits. In both cases, Paul was forced to issue clarifications in which he claimed not to have said what he had plainly said. Beyond that, some of the very things that win Paul praise from the media put him at odds with Republican primary voters. Shortly before Russia began its annexation of Crimea, Paul scolded hawks for failing to show enough "respect" to Vladimir Putin. He has supported Obama policy on Iran and Cuba, and when he criticizes the president on national security, he usually does so from the left.

But Paul's biggest problem may be that he's not yet a very good candidate. In late January, he appeared onstage at a Koch brothers seminar in California alongside Ted Cruz and Marco Rubio. The format of the panel discussion, moderated by Jonathan Karl of ABC News, allowed candidates to respond to one another and to give longer answers than a typical TV interview or debate. Paul bombed. His answers—sometimes short and snide, sometimes long and incoherent—were met with widespread disapproval from the audience. And the response to a speech he gave was even worse. Paul wandered around the stage in jeans and blazer as he spoke about—well, it was hard to tell.

Paul inherits many of his father's backers and, with his determined effort to appear less crazy than his father, will expand on that base of support. In a contest with the number of candidates potentially reaching double digits, Paul will be a player. And his combination of fundraising ability and vanity ensures that he'll probably remain in the field for a long time.

The biggest question: Will he consider an independent bid for the White House when he loses the Republican nomination?



**CHRIS CHRISTIE.** It wasn't too long ago that Chris Christie was considered a top candidate—maybe the frontrunner—for the 2016 nomination. In November 2013, with Republicans still smarting from the Obama reelection, Christie was reelected in blue New Jersey with more than 60 percent of the vote, winning every county but Essex and Hudson. Executives at the major news networks liked Christie, who seemed to take as much joy in poking

Republicans in the eye as he did Democrats. He famously hugged Barack Obama shortly before the 2012 elections and then, in the fight over emergency funding for Hurricane Sandy, repeatedly blasted Republicans in Washington for their spending concerns. He didn't necessarily love journalists but he seemed to thrive on the attention they lavished on him. It wasn't hard to imagine Christie running for the Republican nomination on the McCain model, winning praise from the media for taking on Republicans even as he asked Republicans for their support.

But the so-called Bridgegate controversy ended that. The mainstream media treated the story as if it were a national scandal, with regular updates on network newscasts and morning shows and saturation-coverage in national newspapers. (For an instructive look at media priorities, compare the excessive national media coverage of Christie's "Bridgegate" and the negligible coverage of the Obama administration's IRS scandal.) While the coverage overplayed Christie's culpability, it nonetheless did real damage to one of his main selling points: electability. Christie is now better known than most of his rivals and thought of less favorably than all of them.

It's hard enough for a strong conservative to get a second look in a Republican primary (ask Rick Perry), but it'll be even harder for the man perceived as the most moderate in the field. Ask a group of conservative activists about him and among the first things you'll hear is complaints about "the hug." That's usually followed by a litany of policy complaints, including Christie's decision to expand Medicaid under Obamacare. It's not just that Christie expanded Medicaid, but that he did so not long after scolding Washington politicians, including Republicans, for being afraid to tackle big problems. In that speech at the American Enterprise Institute, Christie portrayed himself as a brave truthteller, willing to talk about reforming entitlements when others won't. "If we're not honest about these things," he thundered, "we're on the path to ruin." Medicaid in particular, he said, is "not only bankrupting the federal government, it's bankrupting every state government."

Still, Christie remains popular with some donors, and his style could be very effective in debates, especially if he's willing to be the guy who launches the toughest attacks on Barack Obama and Hillary Clinton.

**JOHN KASICH.** On paper, Ohio governor John Kasich is a first-tier candidate. He's got a strong record as a budget hawk in a time of record deficits. He has D.C. experience but he's not "of Washington." He's well known to Fox News viewers from his days hosting a popular weekend show. He can claim that he straightened out Ohio's finances and brightened its economic outlook. And, crucially, he decisively won reelection last year in what is arguably the most important

BOB JAGENDORF



presidential swing state, with nearly double the votes of his Democrat opponent. And yet Kasich will be something of a long shot if he runs.

Why? On key issues for many GOP primary voters, he's on the unpopular side: He favors citizenship for undocumented immigrants, Common Core, and he is a passionate defender of Medicaid expansion under Obamacare. Rhetorically, his self-assurance can slip into cockiness. His default stance often seems to be defensiveness. He answers even routine questions as if he's being attacked. As a consequence, Kasich comes across as "holier than thou."

Kasich justified his decision to expand Medicaid under Obamacare by suggesting that those with a different approach are un-Christian. "When you die and get to the meeting with St. Peter, he's probably not going to ask you much about what you did about keeping government small, but he's going to ask you what you did for the poor." Suggesting that morality is gauged by a willingness to spend other people's money is a perfect way to anger conservatives, and he's done so regularly. It's compassionate conservatism with an added layer of condescension. When asked about Kasich's claim, Wisconsin governor Scott Walker, who did not expand Medicaid, had a sharp response. "My reading of the Bible finds plenty of reminders that it's better to teach someone to fish than to give them fish if they're able. . . . Caring for the poor isn't the same as taking money from the federal government to lock more people into Medicaid."

Walker himself may present the biggest obstacle to Kasich. If Republican primary voters want a reform-minded governor from the Midwest, Walker is likely to be the first choice.



**RICK PERRY.** Rick Perry's biggest challenge in 2016 is Rick Perry in 2012. Perry charged into that race as a successful governor who would present the biggest challenge to Mitt Romney. He left it amidst stories of harsh infighting between his top advisers and as a punchline for late-night comedians. The mere mention of Perry's name at a gathering of Republicans today elicits laughter and shouts of "oops." It's hard to recover from that.

But Perry is trying and making some headway. Ask grassroots conservatives in Iowa and New Hampshire which potential candidate has worked hardest over the last year to build relationships and set himself up for the contest next year and you hear Perry's name as often as any other. He is a good retail politician and a strong

fundraiser. Good enough to replace the memories of 2012? That's the question.



**MIKE PENCE.** Like John Kasich, Pence left a position of prominence among Republicans in the House of Representatives for the governor's mansion of his home state. But unlike Kasich, Pence didn't replace a Democrat. He took the job from popular and successful Indiana governor Mitch Daniels. So Pence didn't have the clean-up job that Kasich (or Walker) had upon taking office. Pence's charge was to build on the reforms Daniels had implemented, and he's done that, moving quickly to cut taxes and expand school choice.

Pence is a movement conservative and a talented communicator. He's an old-school, Reagan-style conservative—hawkish on national security, unwavering on issues of importance to social conservatives, and a consistent economic conservative. If he runs, he will have an opportunity to appeal to grassroots conservatives without scaring establishment and big-money Republicans.

The early betting was that Pence would seek the chairmanship of the Republican Governors Association. When he didn't, many Washington Republicans took his decision as a sign that he would run. Sources with ties to three rival campaigns say they expect Pence will pass on the race. Pence won't make a decision until after the state's legislative session adjourns in April.



**TED CRUZ.** The junior senator from Texas doesn't have many friends in Washington. He's hated by Democrats and loathed by many Republicans, too. These are reasons to believe he will outperform expectations as a presidential candidate. In just two years, Cruz has managed to position himself as the loudest and most unrelenting opponent of the Washington political establishment. The conventional wisdom is that this inability to play well with others makes his presidential ambitions almost delusional. In reality, Cruz is in a pretty good place, with approval of Congress at 16 percent and faith in public institutions lower than post-Watergate lows.

Cruz will be the most conservative candidate in the field. He knows what he believes and why he believes it. And he's smart. His challenge will be to show that his antagonism is directed at Washington and not a character trait. He will need to be smart without seeming pleased by his own intelligence. He'll need to talk to voters without appearing

to lecture them—and he'll need to do a lot of listening.

Cruz gave a solid speech at the recent GOP gathering in Iowa. But several attendees complained that he blew in like a political celebrity, with an outsized entourage and little time to spend with voters. In some cases, the same voters who nodded in approval with Cruz's call for a new order in Washington were shaking their heads at his unapproachability in Des Moines.

Still, few names generate more enthusiasm among the conservative grassroots than Ted Cruz. That's a huge advantage if he can capitalize on it.



**JEB BUSH.** Jeb Bush has made clear that he will run an unorthodox campaign, deploying social media in innovative ways. He is making public volumes of email from his tenure as Florida governor. He is telling people that his campaign will reimagine the traditional roles of advisers and staff—even of the candidate himself. And he has said that he wants to win in the primaries by running as a general election candidate.

Bush's early entry and aggressive pitch to contributors (he's asking for big bucks and often a pledge of donor exclusivity) were intended to scare off or intimidate would-be challengers. There's no doubt it played a major role in Mitt Romney's decision not to run, despite his eagerness to mount a third bid. And Bush certainly impressed the shapers of conventional wisdom in the political media—who immediately bestowed upon him the designation "frontrunner." Bush may end up the nominee, but he's far from the shoo-in that money Republicans (and the reporters who listen to them) seem to believe.

Many movement conservatives are hostile to the idea of another Bush in the White House. They still remember George H. W. Bush's broken "no new taxes" pledge and the orgy of spending that ended George W. Bush's administration (the culmination of years of profligacy). They blame the last Bush administration for giving us the Obama administration. They focus on the two issues where Jeb Bush is at odds with the party base—immigration and Common Core—and they talk about Jeb as if he will fill the Mitt Romney/establishment moderate slot in the 2016 Republican primary.

Some of this is unfair. Jeb is the most conservative of the three Bushes. As Florida governor, he pushed aggressively for conservative reforms and wasn't afraid to challenge moderate Republicans in the legislature and the business community. He calls himself a conservative because he regards himself as a conservative, not because consultants tell him it's what voters want to hear, and he usually describes his

conservatism without unnecessary qualifiers like "compassionate" or "severe."

The skepticism between Jeb Bush and the GOP base is mutual. If conservatives are wary of a Bush candidacy, it's at least in part because he has made them so. Conservatives focus on Bush's views on Common Core and immigration because Bush focuses on them. There's no doubt he pushes as hard as he does because he believes deeply that he's right. But after emphasizing issues on which he differs from many Republicans, Bush shouldn't be surprised that many Republicans regard him as something of a renegade.

The challenge for Bush is not primarily that he has these differences with the GOP base, it's that he sometimes talks about these differences in a tone that suggests those who disagree are either backward or bigoted. During an RNC fundraiser in Ohio last summer, Bush participated in a discussion with contributors. One donor asked Bush about the Common Core "curriculum." According to several sources in the room, Bush angrily chastised the questioner for his failure to understand the issue and noted that Common Core isn't a curriculum but a set of standards. His tone was harsh enough that it caused more than one attendee to conclude that Bush wasn't running for president.

Bush has said that it's important for a candidate to be willing to "lose the primary to win the general without violating your principles"—a comment that many took as a declaration that he will not pander to conservatives in order to win the Republican nomination. There's a delicate balance between refusing to pander (positive) and showing disdain for the base (counterproductive).

In February 2014, as he was touring a schoolhouse near Miami, Bush was asked whether he would run for president. Among the most important questions he would have to answer, Bush said, was: "Can I do this joyfully?"

**F**or the final two: It's a coin toss. If I were betting on the likely GOP nominee today, I'd put the same amount on Walker and Rubio (with a chunk on Jeb, too).



**SCOTT WALKER.** If Scott Walker's early success has surprised some Washington-based political reporters, it didn't surprise many in the conservative grassroots or those familiar with his political career in Wisconsin. The question was never whether Walker would be a first-tier candidate, it was how quickly he would become one and whether he could remain there once he did. With Walker at or near the top of polls in both Iowa and New Hampshire, we have

an answer to the first question, and the answer to the second may well determine whether Walker is the nominee.

Walker's case is a simple one: I fight on behalf of conservative principles and I win. This is true electorally and substantively. According to the *Milwaukee Journal Sentinel*, the 47-year-old governor has run in more elections than any other candidate in the field, and he's won more than any other candidate in the field.

Walker served in the state assembly before he was rather improbably elected Milwaukee county executive in 2002. Milwaukee is a heavily Democratic county, but Walker ran as the man who would clean up after a worse-than-Hollywood pension scandal that featured, among other things, officeholders secretly voting themselves huge raises in the middle of the night. As county executive, Walker implemented a series of cost-cutting measures designed to bring the local government to heel. Democrats and their backers in the public sector unions fought Walker's every move. He was reelected anyway.

Walker gained national prominence in 2011, his first year as governor, during the fight over his budget reforms and the subsequent attempt by unions and Democrats to recall him. His reforms passed, and he wiped out a \$3.6 billion biennial deficit. The 2012 recall failed, and last year Walker was elected to a second term as governor. Immediately after his recall victory, Walker publicly urged Mitt Romney to change strategy, from his cautious attempt to win a referendum on Barack Obama to a bold, reform-minded insurgent's campaign to change the country. Romney largely rejected Walker's advice. But Walker, who received a four-minute standing ovation at the 2012 Republican convention before he started his speech, was clearly onto something.

Walker has moved quickly to start his presidential bid. He put in place an experienced team to run his exploring-in-name-only effort, including former RNC political director Rick Wiley and veteran GOP strategist Ed Goeas. Last week, Wiley supervised the opening of an Iowa office for Walker's presidential PAC. Goeas, meanwhile, quietly started making the rounds on Capitol Hill, seeking to open lines of communication between conservatives in Congress and Walker. "I was just doing due diligence," Goeas told THE WEEKLY STANDARD.

Walker will run a positive campaign, sticking closely to Ronald Reagan's 11th Commandment forbidding attacks on fellow Republicans. In part, that's because Walker has had good relationships with several other competitors. He consulted Jeb Bush regularly for advice on politics and governance and developed a friendship with Chris Christie. (Walker's wife, Tonette, a sharp political observer in her own right, became friends with Christie's wife, Mary Pat.)

Walker faces two main challenges: maintaining support

from conservatives as he details his views on issues and presenting himself as a steady hand on foreign policy and national security matters. Republican primary voters know Walker primarily for his fight against the unions. On other issues, voters assume Walker will be with them. He's a full-spectrum conservative, so in most instances these voters will be right. But the details will matter. Walker opted not to mount a big fight on gay marriage, disappointing some evangelicals. He's for a middle path on immigration reform, something that won't satisfy either hardcore restrictionists or open-borders libertarians.

On national security, Walker faces the dilemma of any governor running for president. He spends his days and nights focused on Wisconsin-specific domestic policy issues and consequently won't know the details of, say, the make-up of ISIS or tensions with Russia in the same way that a senator on the Intelligence Committee might. He's studying—Walker met recently with Henry Kissinger and George Shultz and will be seeing General Jack Keane for briefings in March—but he's got a state to run.

Walker's instincts are hawkish. In a recent interview on ABC's *This Week*, Martha Raddatz pushed Walker on the proper U.S. response to ISIS. When he said it has to be more "aggressive," she pushed back, asking how he could say that a campaign of some 2,000 airstrikes wasn't aggressive. Walker didn't back down, but he didn't dispute her very questionable claim. (The United States and its allies conducted 10,000 airstrikes in Kosovo over just 78 days, so, no, 2,000 over six months isn't actually an "aggressive" campaign.) Walker said that America would have to consider ground troops in Syria if ISIS continued to develop as a threat. It is not only a defensible answer; it's the right one. But Walker was short on details, and reporters will soon begin to demand them.



**MARCO RUBIO.** The conventional wisdom about a Rubio for president campaign has swung wildly over the past two months. In the weeks after the 2014 midterms, commentators mused about a Rubio bid as if it were a sure thing. But when Jeb Bush made clear that he was likely to run, the peddlers of conventional wisdom were sure Rubio wouldn't challenge his mentor. Last week, Rubio hired well-regarded New Hampshire political strategist Jim Merrill, and the commentariat quickly concluded that he was in. Interviewed by Hugh Hewitt, Rubio said: "I wouldn't be running against Jeb Bush. If I ran, I would run because I believe I'm the right person for the right time in our country's history." The reality is that very few people know if Rubio will run, but unless something changes his thinking,

he is far more likely to run than not. His wife is supportive, his team is prepared, and a decision is imminent.

As for Walker, the case for Rubio is simple: He is the most talented communicator in politics today. He is a visceral conservative who makes the case for limited government and American greatness better than anyone in the Republican field—better than anyone, anywhere. And he has used his short time in Congress to make himself a leading Republican voice on national security and foreign policy, serving on both the Foreign Relations and Intelligence committees.

At the Koch Forum where Rand Paul bombed, Rubio stood out. On the panel discussion with Paul and Cruz, Rubio was, at turns, funny and thoughtful. His quick wit elicited laughter from the audience several times over the 90-minute conversation. The second half of the discussion focused on national security, and Rubio took the opportunity to demonstrate his fluency on the subject matter, offering detailed analyses of the country's problems and solutions that made clear he'd spent a considerable amount of time on them.

Rubio's best moment came the following day, however, when he addressed the group about the promise of America. Rubio spoke for 30 minutes without notes and captivated the crowd with stories of his grandfather and his parents. Rubio's speeches often convey a sense of humility and wonder that he's risen to a place where he might influence the direction of the American experiment in self-governance. Rubio manages to tell convincingly the kinds of only-in-America stories that might come off as hackneyed and manipulative from other politicians. Maybe that's because they're often personal for him. Maybe he's just a better storyteller than most. Whatever the explanation, Rubio can drown skepticism about America's future with reminders about the country's past and, in the process, give goosebumps to a cynic.

When I sat in on Rubio's debate-prep sessions for a profile I wrote in 2010, I was blown away by his ability to think on his feet. Rubio routinely came up with memorable one-liners that other candidates would pay consultants thousands of dollars to imagine. He wasn't as conversant on foreign policy back then, but he spoke with great authority on the issues that he had worked on at the state level.

Because of their youth, their speaking ability, and their similar career paths, Rubio frequently draws comparisons to Obama. If this was once a compliment, that's no longer the case. Team Rubio pushes back hard against the parallels. Obama was a nonentity in the Illinois state senate, they argue, avoiding controversial issues by voting present and devoting considerable time to boosting his future prospects. Rubio, by contrast, held leadership posts for eight of his eight and a half years in the legislature, including stints as

majority whip and majority leader before becoming speaker of the Florida house at the age of 35. He spent his time advancing the agenda of the legislature's Republicans and Governor Jeb Bush.

Like Bush, Rubio was a proponent of comprehensive immigration reform and worked toward a solution as part of the Gang of Eight in the Senate. Rubio said at the time that he thought it better to participate in those negotiations and attempt to shape the outcome than to sit it out and risk a bad law. It's an issue that has made a segment of the Republican base suspicious of his conservative bona fides.

Another potential obstacle for Rubio is his friendship with former Rep. David Rivera. Rubio and Rivera co-owned a house in Tallahassee while they served in the legislature and have been friends for years. Rivera is a shady figure whose fundraising and campaign practices have gotten him in legal trouble over the years. If Rubio runs, his opponents will doubtless seek to highlight their friendship and link Rubio with Rivera's misdeeds.

The conventional wisdom suggests Rubio will have trouble raising money with Jeb Bush in the race. Perhaps. But Rubio won the straw poll of attendees at the Koch seminar in January, and he's been a strong fundraiser over his time in the Senate.

**T**he 2016 GOP field has strengths and weaknesses, good candidates and bad ones. And maybe Donald Trump. The recent history of presidential contests suggests Republicans will have a hard time winning the White House. The demography-is-destiny crowd will tell you it'll be nearly impossible.

But Barack Obama's attempt to make big government popular again has resulted instead in greater skepticism of government. And if Hillary Clinton is the Democratic nominee, she'll have to answer a very difficult question: What does the party of government do when fewer and fewer people believe in government?

And how will Clinton explain her role in an administration that saw American overreach as a greater threat than radical Islam or Russian aggression or Iranian nuclear weapons? The world is a mess, and it's abundantly clear that so-called smart power has left America weaker and at greater risk than at any time in recent memory. That's not just the view of Republicans or administration critics, but of top administration officials themselves. Secretary of Defense Chuck Hagel says the "world is exploding all over." Director of National Intelligence James Clapper says: "Looking back over my more than half a century in intelligence, I have not experienced a time when we have been beset by more crises and threats around the globe."

These issues will matter. And so will the candidates who discuss them. I like Republican chances. ♦

# Stop the Rot

*Reform conservatism needs an anticorruption agenda*

BY JAY COST

**S**ince the founding of our nation, political defeat has been a catalyst for innovation. Federalist triumphs in 1796 and 1798 prompted the Jeffersonian opposition to develop the first party organization. The collapse of the Whig party, morally ambivalent on the issue of slavery, in the early 1850s gave rise to the Republican party's staunch support of "free soil." Thanks in part to the defeat of the Cox-Roosevelt ticket in 1920, Franklin Roosevelt learned how to sell progressivism to the nation at large, preparing the way for his landslide presidential victory in 1932. The collapse of the Nixon administration, with the president's resignation in August 1974, freed the Republican party to embrace Ronald Reagan.

Today, in the wake of two defeats in presidential elections, conservatives are hard at work trying to reinvent themselves. There seems to be a collective acknowledgment on the right that something had gone wrong by 2008, that the electoral rebuke suffered that year (and affirmed in 2012) meant that change was needed. But what sort of change?

The most promising answer is "reform conservatism," a term that broadly captures the agenda of the right's best thinkers. Conservatism, these intellectuals argue, must look beyond typical GOP policies like tax reduction. The right is a victim of its own success on taxes: Rates have been cut so many times that voters are no longer as concerned about the issue. So conservatives should emphasize sound policy on education, entitlements, regulation, and energy, along with taxes. The animating impulse is not so much to increase or decrease the scope of the federal government, but to modify the way the government accomplishes its goals. In too many instances, ill-conceived, outdated, and otherwise bad laws keep the nation from flourishing.

There is much to like about this agenda, yet it is incomplete. Reform conservatism should also concern itself with political corruption, the systematic tendency of the government to favor narrow factions of society over the public good.

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For at least three reasons, an anticorruption agenda should be integral to reform conservatism. First, reform conservatism is self-consciously oriented to the middle class, and political corruption works against the interests of the middle class. Usually the product of connections between interests and politicians, it favors the well-connected. The typical insurance agent, bakery owner, or office manager lacks such contacts.

Second, an anticorruption agenda challenges the liberal belief that ever more government is good for the middle class. The left wishes to cast itself as defender of middle America and conservatives as champions of the elite. A full-throated attack on cronyism in the distribution of public favors would help conservatives fend off this accusation. If the public understands that activist government is the instrument of the wealthy and connected, reform conservatives will be less susceptible to the charge of elitism. As Reagan said in his first Inaugural Address, "Government is not the solution to the problem; government is the problem." An anticorruption agenda could convince people of the wisdom of Reagan's position, making them more amenable to conservative solutions in other areas.

Finally, reform conservatives must admit the connection between policies needing reform and the process that created them. Too often, bad public policy is directly traceable to corrupt practices. Reform conservatives cannot hope to achieve their goals unless the system is capable of producing public-spirited results. Right now, that condition does not hold. Improving the policy process is thus a necessary precondition to enacting the conservative reform agenda.

**T**o this, some may object: Railing against corruption works on the stump, but it hardly belongs in a serious reform agenda. Corruption is a legal matter, not a political one. Leave it to the prosecutors, judges, and juries.

This view is far too narrow. Over a century ago, George Washington Plunkitt—a boss of New York's corrupt Tammany Hall machine—helpfully distinguished between "dishonest graft" and "honest graft." Dishonest graft, he said, was "blackmailin' gamblers, saloonkeepers, disorderly people, etc." He claimed that Tammany preferred another way:

There's an honest graft, and I'm an example of how it works. I might sum up the whole thing by sayin': "I seen my opportunities and I took 'em."

Just let me explain by examples. My party's in power in the city, and it's goin' to undertake a lot of public improvements. Well, I'm tipped off, say, that they're going to lay out a new park at a certain place.

I see my opportunity and I take it. I go to that place and I buy up all the land I can in the neighborhood. Then the board of this or that makes its plan public, and there is a rush to get my land, which nobody cared particular for before.

Plunkitt is defending the indefensible, but the distinction he draws is illustrative. Bribery, extortion, kickbacks are bad and illegal, and prosecutors should go after them. But there is another form of corruption, an "honest" kind. Politicians see an opportunity to use their public authority to favor some private interest—be it the lobby for some commercial group, a wealthy donor, maybe themselves—and they take it. Often, no law is broken, but the public trust is nevertheless violated.

James Madison understood corruption from this perspective—as including but not limited to illegal and venal activity. In *Federalist* 10 Madison warned about the threat of factions, or "a number of citizens . . . united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." As a young legislator in the 1780s, under the Articles of Confederation, he saw unchecked factionalism nearly tear the country to pieces, creditor against debtor, farmer against merchant, revolutionary against loyalist, state against state. Just a few short years after the nation had freed itself from British colonialism, it was destroying itself. Hence the evocative phrase that opens the famous tenth Federalist Paper: *the violence of faction*.

Prior theorists had advocated virtue as the tonic for factionalism: Educate the people about their self-interest, rightly understood, and you can sustain a republic. Others thought a small republic, with homogeneous interests, could keep factionalism to a minimum. Madison rejected these alternatives. He argued instead that selfish interests can eventually yield public-spirited policy provided the government is properly designed. Per Madison, "ambition must be made to counteract ambition." In his view, a republican government allows a vast array of factions into the political sphere, then forces them to deal with one another through carefully designed institutions. The eventual compromises will be in the public interest, even if all of the participants are out for themselves.

That is the theory, at any rate. In practice, we have fallen short of this ideal. Yet Madison was not wrong. The problem is that we have failed to follow in his footsteps. We have not taken care to maintain the carefully balanced

design that he sought. And as a result, public policy has tilted inexorably toward "honest graft."

**T**he Constitution cannot be understood as holy writ. Rather, it is a compromise hammered out at the Constitutional Convention, convened after the existing governing authority had proved unworkable. The status quo could not stand, but what to do next? Delegates disagreed on many points. Two important disputes arose over how powerful the new government should be and how dependent on local interests.

One group, led by Madison, Alexander Hamilton, and George Washington, wanted a powerful government mostly immune from parochial concerns. Apart from a popularly elected House of Representatives, Madison's original proposal, the Virginia Plan, envisioned a government distant from the localities. The Senate was to be selected by the House, the president by both chambers; the Congress would have veto authority over state laws; and a Council of Revision would monitor federal laws. Meanwhile, the Congress would have wide discretion to legislate "in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual Legislation."

Opponents rallied to a proposal from William Paterson of New Jersey, which called for slight alterations to the Articles of Confederation, with its limited central power and parochial orientation. Under the New Jersey Plan, the Continental Congress would acquire the power to tax, and an executive council would provide direction to public policy.

The Constitution occupies a middle ground between these views. After months of debate, delegates decided that the government should have more power than Paterson proposed but less than Madison. And it would depend more on local perspectives than Madison envisaged, but less than Paterson. This was not a mere splitting of differences. Rather, the Framers sensibly blended divergent views. They took care that the government they were designing could actually function.

It was a remarkable compromise for the America of 1787, a people skeptical of centralized power and fearful of creeping monarchism, yet in desperate need of a central authority that could deal with urgent problems. The Constitution gave the government enough power to meet crises, but not so much as to overwhelm states and localities. It also distanced the new government from popular sentiment, but without cutting it off entirely.

Over the ensuing two centuries and more, the American population grew—from 4 million in 1790 to 317 million in 2014—and society changed, straining the original compromise and gradually forcing an effective revision of the

governing charter. New problems emerged, and repeatedly the public decided that the power of the federal government had to grow to deal with new threats. And grow it did.

Today, Washington has achieved the scope the central government had in the Virginia Plan. To all intents and purposes, Washington can legislate as it sees fit. Rarely does the Supreme Court remind the government of any constitutional limit.

Yet the country never substantially revised the institutions that channel government's ever-expanding powers. We have tinkered at the margins, tweaking the Electoral College, mandating direct election of senators, and expanding the franchise. Still, for all the growth in federal authority, the basic institutions remain largely as they were when the Constitution went into effect in 1789.

From the Madisonian perspective, this is a problem. If our institutions require a particular design in order to "break and control the violence of faction" and serve the common good, then it is imprudent to give greatly expanded power to institutions intended to do much less. But that is exactly what we have done, and we have done it in a decidedly ad hoc manner, even if the trajectory is always upward. A crisis arises, voters elect a governing class that expands power to deal with the challenge, and the expansion is retained even after the danger has passed.

This haphazard process has left us with institutions that are far too closely tied to local interests and factions to permit the wise exercise of national authority. Perhaps not surprisingly, our 18th-century institutions wield their 21st-century powers irresponsibly. Lacking adequate checks and balances, they regularly tilt public policy to benefit narrow interests. Madison called it the violence of faction. I call it corruption.

**C**ongress is the subject of the first and longest article of the Constitution. The Framers spent much time determining what powers it should possess and how to optimize its design. Though our system separates powers, the essential power of government—to make laws—belongs primarily to Congress.

The national legislature is also the institution from which corruption is most likely to spring. Its members do not answer to the nation as a whole but to local constituencies,

with local perspectives and local demands. There is not a single member of Congress whose electoral fortunes depend on the preferences of the whole nation.

This means that Congress has an institutional tendency to view national problems as the sum of the problems of 435 House districts and 50 states. It tends to see national solutions as those supported by 218 House members and 51 senators.

Compounding the parochial design of the legislature is the committee system. Dividing authority among committees and giving them extra power to shape legislation in their policy domains makes influence-peddling easier. Interest groups do not have to donate to 535 legislators,

but can concentrate their attentions on the 50 or so with greatest authority over their niche issue, or even the dozen or so most powerful within this subset. This favors well-funded interest groups that can target their campaign cash and lobbying. Congress inevitably tends to favor pressure groups that work the committee system.

The legislative power has expanded most in three areas not prominently considered by the Founders: the promotion of economic development, the regulation of the economy, and the provision of social welfare benefits. For Congress, develop-

ing the national economy has long meant pork barrel politics. Members love to send money back to the district for improvements to rivers and harbors, for roads, railroads, airports, and so on. They want defense spending similarly distributed. The tax code is another place where Congress, in the name of economic growth, favors special interests. In the 19th century the tariff was the main means of rewarding big-spending benefactors; today the corporate income tax code is preferred. And on top of this, a vast array of corporate welfare programs, like the Export-Import Bank, pay off various groups.

Regulation is usually the province of the executive agencies, but Congress oversees them. Studies have found that donating to and lobbying members of Congress can put pressure on bureaucrats to leave privileged firms alone. And Congress writes the enabling legislation in the first place, which can also favor special interests. In the early 1990s, Fannie Mae lobbied heavily to ensure Congress gave it a weak regulator, and it continued to ply the legislature with money to keep legislative reforms at bay.



*A 1924 cartoon referring to charges of corruption leveled by William Borah, a Republican senator from Idaho*

The government often provides social welfare through private entities. The minimum wage, for instance, is a federal benefit delivered through employers. Medicare and now Obamacare work through doctors, hospitals, nurses, and insurers. Not only do the beneficiaries organize to protect and expand their benefits, but the providers lobby as well. Medicare is riddled with waste, fraud, and abuse—yet Congress is incapable of doing anything about it, so aggressively and successfully are its members lobbied to take a hands-off approach.

To be sure, there are many things the federal government does quite well. The more closely one examines its operations, however, the more corrupt its practices seem. This is not a matter of outright bribery or theft, “dishonest graft.” Instead, federal policy exhibits a systematic bias toward interested, well-positioned factions that can drive policy toward their own ends rather than the common interest. It happens often enough to be a serious problem. And the fault rests principally with Congress.

Reforming our legislature would begin with recognizing that previous attempts to fix it have mostly failed. During the Progressive Era it was hoped that the direct election of senators would clean up Congress. While it did erode the power of state bosses, it created its own troubles. Progressives also thought that shifting authority to professional bureaucrats could help overcome legislative irresponsibility, but that proved hard to achieve in practice. Woodrow Wilson believed that a president could use his unique stature to force Congress to behave. But it turned out that presidential influence with Congress is only as great as the number of partisan allies the commander in chief has there.

Reformers must be realistic in their aims. Members of Congress may not be able to handle power responsibly, but neither are they going to give it up. Indeed, one of the premises of the new reform conservatism is an acknowledgment that the federal government has a legitimate and potentially beneficial role to play in economic development, health care, education, and so on. Similarly, the federal government is not going to be revolutionized, if only because constitutional amendments must pass Congress with overwhelming majorities. The failed attempt to pass term limits in the mid-1990s is instructive: Members of Congress won’t accept radical changes to their workplace, even those that are politically popular.

This does not mean the cause is hopeless, only that reform conservatives need to adopt a Madisonian perspective. Recognizing that interest groups will be attracted to the political process as long as the government is powerful, they must ask: How can our institutions be altered so as to

break the violence of faction? How can the rules of the game be adjusted so that selfish interests will combine to produce socially beneficial results?

One goal should be to make it harder for members of Congress to cut deals with special interests. Congressional misbehavior springs from an obvious conflict of interest: Factions with business before Congress donate to incumbents’ campaigns and spend resources to lobby them in the hope of securing favorable outcomes. A federal judge would be tossed from the bench for taking money from a company with business before the court, but in Congress this is standard operating procedure. Since it is unlikely that reformers will ever root this practice out entirely, they should focus on the most powerful members of Congress: Committee and subcommittee chairs should be required to obey stricter rules concerning conflicts of interest. They should not be allowed to accept money from interest groups with business before their committees. And if they have substantial personal assets, these should be placed in blind trusts so members cannot personally profit from their official acts. Party leaders should have to obey similar restrictions.

Conservative reformers should also go after the revolving door. A former member of Congress with a big Rolodex is better able than others to tilt policy in the direction of his employers, regardless of the public interest. This is why tighter restrictions should be enacted. Law professor and commentator Glenn Reynolds has proposed a 50-75 percent surtax on the difference between a former member’s government salary and his post-government earnings. That is a great idea. In addition, the temporary lobbying ban on former members of Congress, now two years, should be extended and its loopholes closed.

Conservatives also need to be realistic about congressional staff. Given the highly technical work that senior legislative staffers perform, they are grossly underpaid compared with their private counterparts. This is a problem. Interest groups effectively subsidize congressional work by offering staffers lucrative salaries after they leave government, a relatively cheap way to make sure staffers are friendly to the heaviest hitters. The most skilled staffers should be paid appropriately and be subject to a version of Reynolds’s revolving-door tax, depending on what sort of work they do after leaving public service.

Similarly, Congress should increase the size of staffs—perhaps substantially. Political scientists have found that lobbying is effective because members of Congress are desperate for information about the policy and political effects of bills they are considering. Yet members have limited resources at their disposal, while lobbyists are ever eager to provide crucial information. The problem is that they do so in a way that is partial to their employers’ interests. Larger professional staffs who

could answer questions in a timely manner for members of Congress would make lobbyists less valuable.

Beefing up the legislative bureaucracy might seem counterintuitive to conservatives, who typically want to spend less money on government, especially bureaucracy. But conservative complaints usually have to do with the executive bureaucracy, a sprawling, massive complex. The legislative bureaucracy is much smaller. Given the virtually unlimited scope of congressional power, it is too small.

Another area for reform is party organization. At present, the Republican party is ill-equipped to translate grassroots sentiment into political influence. How could conservative reformers revitalize local and state party organizations? Once again, Madison is instructive. After the Federalist triumphs in the elections of 1796 and 1798, Anti-Federalists Madison and Jefferson worked to develop party organizations in the states that would decide the presidential election of 1800. Their theory was that the Federalists had the support of a minority of the population, but that the vast majority—their natural allies—needed to be actively encouraged.

Today, both parties pour enormous resources into get-out-the-vote efforts, but other party functions are in wretched shape. A century ago, progressive reformers believed that the old system for selecting nominees—the (often mythical) “smoke-filled room”—was broken, and they proffered primary elections as the way to attract better candidates. This innovation has failed utterly. Primary elections are usually dull, drab, low-turnout affairs that do nothing to incentivize incumbents to cultivate the public interest. Occasionally, a high-profile member like Eric Cantor loses a primary to an upstart like Dave Brat, but such upsets are rare exceptions to an otherwise ironclad rule of incumbent advantage.

This is a problem. Conservatives shouldn’t have to choose between a bad Republican incumbent and a Democratic challenger. Primaries, moreover, are under-exploiting the greatest resource the Republican party possesses: its broad base of public-spirited conservative voters, donors, and activists across the United States. They care deeply about politics, not for personal advantage, but out of concern for the country. In theory, their collective power could be brought to bear on Republicans who talk a good game on the stump, but once in power facilitate cronyism and corruption. For that to happen, the primary system would have to be largely abandoned and replaced.

Reforming the nomination process has received little attention from conservative thinkers over the last generation. In the pages of *National Affairs*, Jeffrey Anderson and I proposed a truly republican process for the presidential

nomination—one that would revitalize the old party conventions, while still making use of caucuses and primaries, to balance the various forces in the party more equitably. The idea could also be applied on the congressional level, though more work needs to be done to sell and implement it.

The question for conservative reformers is how the nomination process could be made to enhance congressional oversight over the federal government. A party’s nomination is a trust given by the voters to a candidate. It should not be automatically renewed once a candidate serves a term in office. The progressives hoped that primary elections would guard against backroom deals, but primaries have turned out too often to be rubber stamps for those very machinations. Members from safely Republican districts should not be able to assume that they can go to Washington and curry favor with interest groups without fear of rebuke. The nomination process needs somehow to be made to serve as a check on congressional misbehavior.

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**T**hese proposals cannot eliminate corruption. As we have seen, it is embedded in our institutions of government. It springs from an unbalancing of the Madisonian scales. By increasing the power of government without revising our institutions, we have undermined government’s capacity to break and control the violence of faction.

The reforms suggested here are inadequate to rebalance the system. Even if all were adopted, Congress would remain fundamentally incompetent, producing public policy in an irresponsible, factional, and corrupt manner. These suggestions are meant as a beginning—another beginning. Almost since the day our government was inaugurated, reformers have wanted to improve it. The Jeffersonians, the Jacksonians, the Liberal Republicans, the Mugwumps, the populists, the progressives—their ideas ranged from wise to foolish. Yet all sought to make government function better.

The reformist impulse seems to have faded in recent years. People complain loudly about government, sounding more cynical than zealous. We get the condescending snark of *The Daily Show* rather than the serious work of figuring out what is wrong with the system and devising improvements.

This is a cause that reform conservatism should embrace. Education, energy, tax, and health care policies all need fixing, but so do the institutions of government itself. Factionalism, as Madison said, is sown into the very nature of man. It cannot be stopped—but it can be tempered. It is time for conservatives to take up that noble cause. ♦

# Marx and the Koran

*The role of beliefs and ideologies in motivating, justifying, and legitimating political violence*

BY PAUL HOLLANDER

**T**ime and again it is reported that Muslim terrorists in the process of inflicting lethal bodily harm (with firearms, explosives, knives, or by running over people with cars) shout “God is Great!” (*Allahu Akbar*). It is a remarkable and seemingly puzzling phenomenon that has received little attention, although it is likely to shed light on the motivation and mindset of the terrorists.

These exclamations appear to be a form of encouragement, intended to vindicate and justify actions that certainly need justification. God is great, the perpetrators seem to say, because He allows, perhaps even demands, that some people—the infidels, deserving to be put to death—be dispatched. On these occasions, God, or the God of Islam, is compulsively invoked to bear witness to these acts of faith and reassure the perpetrators. The exclamation is intended to make clear and confirm—both for the perpetrators and for those witnessing their actions—that the perpetrators are carrying out divinely sanctioned retribution, rendering the act meaningful and morally justified. These violent radicals are among the men, who, in the words of Isaiah Berlin, “will kill and maim with a tranquil conscience under the influence of the words and writings of . . . those who are certain that they know perfection can be reached.”

The terrorists, assured that God endorses their motives and actions, are certain of their access to Him and of their understanding of His will. Given that their target selection often includes civilians—children, women, and the old—they may need extra reassurance that they are doing the right thing. They may need even stronger reassurance if they aspire to become “martyrs,” suicide bombers, to convince themselves that they are throwing away their lives for a very good cause. In doing so, they also rely on the comforting belief that they will be recipients of generous otherworldly rewards.

Western nonbelievers are likely to interpret such

behavior as delusional, perceiving the devout terrorists as suffering from a serious mental illness, or victimized by a rare form of false consciousness originating in their justified grievances and low socioeconomic status. As a rule, these commentators aver that Islamic religious beliefs provide no justification or encouragement for such vile acts, that violent Islamic radicals misuse and misinterpret the teachings of their religion. If so, we need not pay attention to their assertions and explanations of their motives and behavior. We should dismiss their emphatic insistence that they are carrying out God’s will.

This approach is exemplified by John Kerry’s warning at Davos that “it would be a mistake to link Islam to criminal conduct rooted in alienation, poverty, thrill-seeking and other factors.” In the same spirit, White House press secretary Josh Earnest suggested (referring to those who committed the recent murders in Paris) that “these are individuals who carried out an act of terrorism, and they later tried to justify that act of terrorism by invoking the religion of Islam and their own deviant view of it.” *New York Times* columnist Thomas Friedman observed that “this makes it sound as if the *Charlie Hebdo* terrorists set out to commit a random act of violent extremism and only subsequently, when they realized that they needed some justification, reached for Islam.”

Also in the *New York Times*, bioethics lecturer Tom Koch warned against holding the terrorists responsible for their actions, emphasizing the socially determined nature of their conduct:

The tragedy [of the recent murders in Paris] lies . . . in the decades of military encroachment and colonial expansion that helped to radicalize a religious sect. It lies too, in our culture’s failure to integrate new members in an ethos that is inclusive and assures a political space for legitimate complaint. . . . Our tragedy is this collective fatal flaw, which insists on demonizing those we disagree with and turning them into mortal enemies. The question is whether we will react . . . breeding more terror [my emphasis] in our responses, or, instructed in its causes, search for resolution.

We are thus instructed that it is Western governments and societies that radicalized the terrorists—bred terror—by the colonialism of the past, the failure to integrate new

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immigrants, our refusal to allow them to voice their just grievances, and, finally, our demonization of them for no other reason than their disagreements with us. Koch did not specify what those disagreements are. Had he bothered to do so, he might have mentioned the religiously sanctioned mistreatment of women or the *sharia* law that justifies stoning female adulterers to death, chopping off the hands of thieves, and flogging other criminals. Matters on which we disagree would also include *fatwas* against the likes of novelist Salman Rushdie, targeted to be killed as punishment for blasphemy. Presumably all such disagreements should be seen as matters of cultural diversity and tolerated in a good-natured, nonjudgmental manner.

Such explanations of radicalization suggest that the perpetrators had little choice in the matter. They merely responded to stimuli they were exposed to, and their prior victimization determined their course of action. Observers like Koch have little discernible interest in the actual motivation of the terrorists, in the roots of their determination to kill, and their apparently clear conscience about what most people consider heinous crimes. It is also overlooked that blasphemy is a religious notion, and if the cartoonists were murdered for blasphemies, then the perpetrators were obviously motivated by very strongly felt religious sentiments, as they themselves made quite clear.

Such explanations of terror entail a selective determinism, a disposition I first noticed in the social criticism of the late 1960s. In this scheme, only the powerful, the top-dogs and victimizers, are capable of making choices and thus can be held responsible for their actions; the underdogs, the victims, the victimized are not in a position to make morally relevant choices as their behavior is determined by brutal social forces. Needless to say, designations of victim and victimizer can be quite subjective and variable, depending on the worldview of those who propose the classification.

Such determinism flies in the face of the obvious fact that human behavior is neither wholly determined (by social forces, particular situations, or our genetic make-up) nor wholly free (our choices limitless, our free will unblemished, our autonomy boundless). Even while constrained by the variables noted, human beings do make morally relevant choices, even the most deprived, poverty-stricken, and otherwise disadvantaged people. The vast majority

of deprived people do not become violent criminals, sex offenders, drug traffickers, or suicide bombers.

A significant portion of Muslim terrorists, moreover, do not, in fact, come from impoverished, disadvantaged backgrounds. Many of the 9/11 suicide bombers, among others, were well educated, of middle-class background, with decent jobs—their grievances were less tangible. None of this is intended to suggest that (as Kerry and others argued) poverty, rootlessness, and alienation play no part in the radicalization and violent proclivities of those who become terrorists. For rage or resentment to find expression in carefully planned terrorist atrocities performed with a clear conscience and apparent satisfaction, however, it is necessary to have access to, and embrace, a

set of ideas and ideals that will channel, integrate, and legitimate the violent impulses. Islamic religious beliefs are not the only ones capable of accomplishing this, but at the present time they are prominent and influential. If these beliefs have been misunderstood, misinterpreted, and their messages distorted, they evidently lent themselves to such misuse by large numbers of people, including some of the custodians and professional interpreters of Islam, the preachers who regularly address the faithful in their mosques.

The important question to ask is how, and under what circumstances, do genuine grievances combine with religious beliefs and encouragements to find expression in calculated acts of murderous violence?

**T**he claim that Islamic religious beliefs have no connection with the violent acts carried out in their name and on their behalf is reminiscent of past disputes about the relationship between Marxist theory and Soviet (and other Communist) practices.

Human beings rarely commit carefully devised acts of terror or mass murder merely to pursue their material interest or express some personal frustration or find sadistic enjoyment—although all such motives might combine with other, more respectable justifications. The Nazis undertook the Holocaust because they—at any rate those who planned and organized it—were deeply convinced that it was the right thing to do in order to purify the world of Jews, whom they considered the most diabolical threat



Another cry for inclusion from the marginalized and oppressed of the U.K., July 6, 2013

to human decency and social justice. Obedience to authority and division of labor and responsibility played a part at the lower echelons, but people like Hitler, Himmler, Eichmann, and others who inspired, designed, and ordered the mass murders were confident that this was the correct and historically justified course to follow. Their beliefs authenticated their behavior.

Likewise the decision-makers in Communist states were convinced that their idealistic goals justified morally tainted means, that building the historically most advanced social system could not be accomplished without eliminating their variously defined and designated enemies who opposed this lofty project. They did not agonize about the relationship between ends and means. Their beliefs were rooted in Marxism-Leninism and its indigenous modifications. At the same time, many Western intellectuals argued that—not unlike the young criminals of poverty-stricken slums—these leaders and policymakers had little choice given the backwardness, isolation, and other dire circumstances prevalent in their societies. In any event, they had good intentions.

Throughout the entire existence of the Soviet Union the dispute about the relationship between theory and practice, or the influence of ideology on policy, persisted. Those dismissing the part played by theory, or ideology, were intent on saving Marxism from disrepute by divorcing its propositions and spirit from Soviet policies and social-political realities. While we cannot blame Marx for the Gulag or the collectivization of agriculture, for one-party “elections” or the personality cults, the proposition that his ideas and ideals had *nothing* to do with Soviet (and other Communist) systems is quite implausible. Communist states intended to, and did, realize some of his ideas, but this did not lead to the anticipated outcomes. Nationalizing the means of production neither increased productivity nor created a more communitarian and equitable society; the suppression of religion did not make human beings more rational or reasonable. On the other hand, the doctrine of class struggle greatly helped legitimate political violence. Especially consequential was the belief and vision, integral to Marxism, that it was possible to create a morally, materially, and historically superior social system. It motivated the power holders and provided them with justification to purify their society of those perceived as obstacles to the realization of these lofty aspirations.

Similar considerations apply to the relationship between

violence in the name of Islam and Islamic religious beliefs. While we cannot blame Muhammad for suicide bombers or specific incitements to acts of terror, the claim that Islamic religious beliefs have *nothing* to do with the violence they clearly help to inspire and justify is equally implausible. For one thing, the perpetrators loudly, clearly, and proudly insist on being motivated by these beliefs, and we cannot lightly dismiss their pronouncements as nothing but delusions, fantasies, aberrations, and false consciousness. The Koran, after all, like the works of Marx, is a large enough

body of writing to allow people of various political or religious dispositions to find in it ideas that will, or seem to, legitimate their impulses and inclinations. Is jihad merely “a holy struggle, a legitimate tenet of Islam, meaning to purify oneself or one’s community,” as John Brennan, then antiterrorism adviser of President Obama, now director of the CIA, among others, has argued?

Or does jihad “consist of military action with the object of the expansion of Islam . . . stem[ming] from the . . . fundamental principle of the universality of Islam: this religion, along with the temporal power it implies, ought to embrace the whole universe, if necessary by force,” as stated in the *Encyclopedia of Islam*?

Does the profound, religiously inspired contempt for, or hatred of, “infidels” influence behavior? And if segments or fragments of the Koran conflict with its peaceful and tolerant teachings, there are plenty of imams in many mosques who emphasize the aggressive and conflict-oriented themes of the sacred text. It remains to be determined who is entitled to interpret the Koran, who are the most authoritative and influential interpreters, extremists or moderates.

In any event, Islamic radicals are able to find in their religious beliefs a point of departure for the rejection and denigration of secular Western societies, of their alleged immorality and decadence. These religious convictions give rise to a sense of moral superiority that helps justify the violent expression of the hatred of the societies they blame for their rootlessness (if living in the West) or their political and economic inferiority (if citizens of Arab nations). Hence the desire to create a “caliphate,” a large theocracy that would replace insufficiently devout Arab societies and possibly some Western ones as well.

It seems that the acts of Islamist terror and their perpetrators often inspire less moral indignation among many academic intellectuals, journalists, and policymakers than

the Western socioeconomic conditions and policies that allegedly inspire these acts. The perpetrators, portrayed as rudderless, marginalized, angry young men adrift in unfriendly (Western) societies, lacking in agency, are victims of social conditions they cannot control. Such stereotypes are reminiscent of past notions of the banality of evil. The old and well-known version, created by Hannah Arendt, resulted from her attending the war crimes trial of Adolf Eichmann and led to her erroneous theory that he personified this “banality.” She perceived him as a mindless instrument of the Nazi regime, a bureaucratic “desk murderer” without beliefs or convictions of his own, obeying higher authorities. These circumstances reduced, or limited, his moral culpability and responsibility.

The stereotype of the young Islamic terrorist whose behavior is inexorably defined and determined by overwhelming social forces partakes of Arendt’s concept of the banality of evil and its implication of limited moral culpability. There is also a similarity between the (initially) favorable reception of Arendt’s concept of the banality of evil and the current receptivity to the new version personified by radical Muslims in the grip of overwhelming social forces. Both conceptions blunt moral indignation and encourage a less judgmental attitude.

Arendt’s idea was well received because it could be incorporated into critiques of Western societies. If there was nothing distinctive about Eichmann, if people like him could be found anywhere, including in Western societies, Western claims to moral or political superiority were substantially reduced. Likewise, if acts of violence by young, rootless, and alienated Muslims are understandable responses to their justified rage, resentment, and frustration, they need not inspire severe condemnation.

Attributions of moral equivalence to Islamic and Western-Christian atrocities may also enter into the assessment of these matters. President Obama’s unfortunate remark at the prayer breakfast on February 5 advising that we get off “our high horse”—that is, constrain our moral indignation about the burning of the Jordanian pilot in light of the atrocities of Christian crusaders—is a case in point.

Many of the same commentators who claim they seek to understand the terrorists and hold a less judgmental attitude toward them at the same time harbor a highly judgmental attitude toward Western societies, especially the United States. It is a disposition that tends to give the benefit of the doubt to all those who reject Western societies and helps to explain prevalent questionable interpretations of Islamic radicalism. ♦

## Don't Break the Internet!

**By Thomas J. Donohue**

President and CEO  
U.S. Chamber of Commerce

A free and open Internet has become a platform for innovation and economic activity unmatched in history. It has catalyzed the digital age, driving technological advancement at a breathtaking rate. It has put limitless information at our fingertips, transforming communication, education, entertainment, and civic participation. It has helped equalize opportunity for individuals, enabling them to create and deliver new products and services in new ways to more consumers than ever. And it has done all of this with great speed and flexibility—and with little interference from the government.

For more than two decades, lawmakers from both sides of the aisle have agreed that the Internet should be regulated with a “light-touch.” This approach has allowed competition, accelerated innovation, spurred investment, and ultimately fostered the vibrant and dynamic Internet that we enjoy today.

But soon that could all change with a heavy-handed regulatory proposal known as “net neutrality,” which the White House has endorsed and the chairman of the Federal Communications Commission (FCC) has said he will implement. The proposal would stringently regulate Internet Service Providers like a public utility, forcing them to ask for government permission when trying to react to changes in technology and consumer demand. The basis of the proposal is 80-year-old legislation that was enacted when rotary telephones were considered modern technology and has little relevance to 21st century broadband networks.

If the entire Internet is placed under the control of federal bureaucrats, the rate, speed, and flexibility of innovation would suffer—and so would consumers. The FCC could require that new services and business models be vetted and approved by its board. The move would also discourage necessary investment in broadband networks and sock consumers with \$17 billion in new federal, state, and local

fees on top of their monthly bills.

Moreover, if the FCC moves forward with net neutrality, the broadband industry would be plunged into years of litigation and subject to regulatory and market uncertainty. Congress—not unelected bureaucrats—should be responsible for determining federal broadband policy. Lawmakers are attempting to craft legislation that would provide the FCC with statutory guidance on this issue, and we hope they will preserve the light-touch approach that has worked for 20 years.

We recognize that the issue of net neutrality divides the tech community, but there can be no neutrality as far as the U.S. Chamber is concerned. We oppose efforts to regulate the Internet as if it were a 20th century public utility. The Internet must remain open, flexible, and innovative—and free from excessive regulation.



**U.S. CHAMBER OF COMMERCE**  
[www.uschamber.com/blog](http://www.uschamber.com/blog)



Bernard Bailyn speaks in Providence (2012).

# History in Context

*The American vision of Bernard Bailyn.* BY GORDON S. WOOD

**A**lthough Bernard Bailyn is one of the most distinguished historians in the Western world, he is not as well known as he should be. He rarely appears in the popular media, and he has never published a book that has sold millions of copies. But all those who are seriously interested in the history of early America

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Gordon S. Wood is the Alva O. Way university professor and professor of history emeritus at Brown. In honor of the 250th anniversary of the Stamp Act, the Library of America will publish his two edited volumes, *The American Revolution: Writings from the Pamphlet Debate, 1764-1776*, in June.

**Sometimes an Art**  
*Nine Essays on History*  
by Bernard Bailyn  
Knopf, 320 pp., \$28

know his work. He has authored a baker's dozen of major books, edited at least a half-dozen more, and written numerous important articles. His books have won nearly every award the nation offers to historians: two Pulitzer Prizes, a National Book Award, and a Bancroft Prize. As professor of history at Harvard, he has trained two generations of graduate students, of whom I was one. More recently, he

founded, and for many years directed, the International Seminar on the History of the Atlantic World, which helped to shape a new field of history.

His new book is a collection of nine essays, three of which have never been published before. They deal with two main subjects, he says: "The problems and nature of history as a craft, at times an art, and aspects of the history of the colonial peripheries of the early British empire." In one of the hitherto-unpublished essays, entitled "History and the Creative Imagination," Bailyn defines the modern creative historian as someone who has enriched "a whole area of history by redirecting it from established channels into new directions,

unexplored directions, so that what was once vague or altogether unperceived is suddenly flooded with light, and the possibilities of a new way of understanding are suddenly revealed.” Although he was describing the contributions of four 20th-century historians whose work he greatly admires—Perry Miller, Charles McLean Andrews, Sir Lewis Namier, and Sir Ronald Syme—he could have been talking about himself.

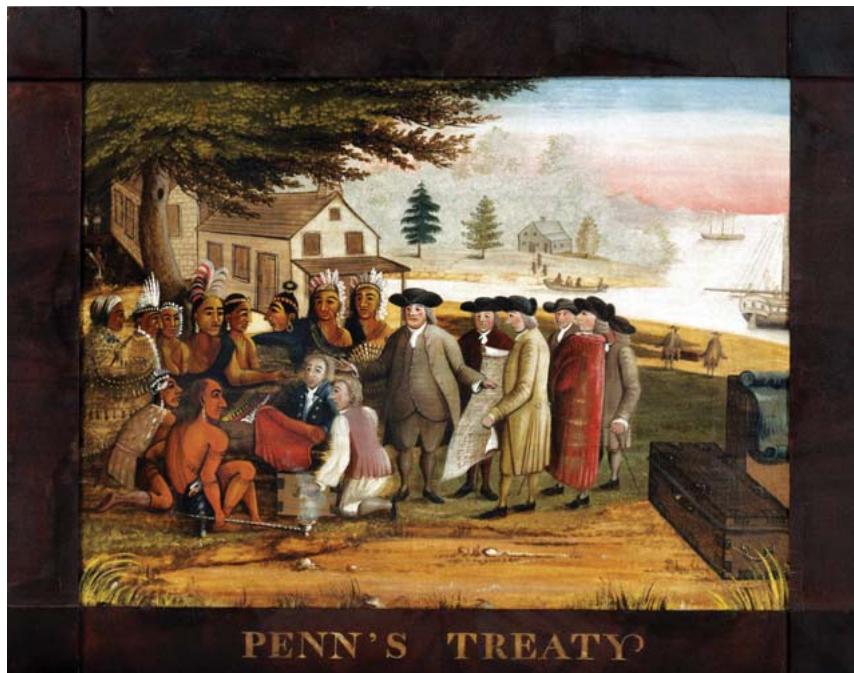
Over the course of his long career, he has brought his own creative and imaginative powers to bear on his field of early American history. When I went to graduate school, I thought the colonial period was merely a quaint prologue to the main story, essentially a mishmash of myths and folklore about John Smith and Pocahontas, the Pilgrim Fathers and Squanto, that belonged in the storytelling of elementary school, where I had last learned about them. But Bailyn taught me and, over the years, thousands of other students that colonial history was something other than quaint stories, cobbled streets, and milk-paint houses. In his hands, the colonial period suddenly became seriously real—indeed, it became the most important part of American history. Bailyn’s creative imagination opened new channels, redirected others, and flooded the field of early American history with new light and new understanding.

In his books and articles he has transformed every aspect of the subjects he touched—from the social basis of colonial politics to early American educational history to the origins of the American Revolution to early American immigration. Few, if any, American historians in the modern era of professional history-writing have dominated their particular subject of specialization to the degree that Bernard Bailyn has dominated early American history in the past half-century.

This collection gives a sampling of his skills and his historical imagination. Besides his essay on the creative imagination of historians, Bailyn has several other pieces on the craft of history-writing: One deals with the

distinction between critical history-writing and memory; another with the importance of context in history-writing; and another with the changing interpretations of the loyalists—the losers in the American Revolution. He has also included his 1981 presidential address to the American Historical Association, which analyzes three general trends in contemporary historiography: the distinction between events of which the participants in the

drawn from his grand Peopling of British North America project that he launched in the 1980s. Three books of this project have appeared: *The Peopling of British North America: An Introduction* (1986); *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (1986); and, most recently, *The Barbarous Years: The Peopling of British North America: The Conflict of Civilizations, 1600-1675* (2012).



*'Penn's Treaty with the Indians'* by Edward Hicks (ca. 1830)

past were conscious and the circumstances of which the participants were not fully aware; the sense of large-scale systems of events in the past operating over not just nations but continents and oceans; and the effort by historians to relate the world of interior, subjective experience to the course of external events.

In all of his essays, Bailyn demonstrates the remarkable range and depth of his scholarship. There does not seem to be a historian, a work of history, or a historiographical development on either side of the Atlantic, or in the Antipodes, that he has not mastered.

In the second section, dealing with the colonial peripheries of the early British empire, Bailyn offers us several pieces, most of which are

Although *Voyagers to the West* was awarded a Pulitzer Prize, and *The Barbarous Years* was a Pulitzer finalist, the academic community has not much liked Bailyn’s Peopling books. Nothing could be more revealing of the changing fashions of academic history-writing than the criticism leveled at them. It’s as if academics have given up trying to recover an honest picture of the past and have decided that their history-writing should become simply an instrument of moral hand-wringing.

In one of his essays, Bailyn quotes Isaiah Berlin’s reactions to American universities and American students during his visit to Harvard in the late 1940s. In contrast to Oxbridge, said Berlin, America’s universities

and students were “painfully aware of the social and economic miseries of their society.” They found it hard to justify studying, say, the early Greek epic while the poor went hungry and blacks were denied fundamental rights. How, Berlin wondered, could disinterested scholarship, disinterested history-writing, flourish in such morally painful circumstances?

Nearly 70 years later, it has gotten worse. College students and many historians have become obsessed with inequality and white privilege in American society. And this obsession has seriously affected the writing of American history. The inequalities of race and gender now permeate much of academic history-writing, so much so that the general reading public that wants to learn about the whole of our nation’s past has had to turn to history books written by nonacademics who have no Ph.D.s and are not involved in the incestuous conversations of the academic scholars.

With his *Peopling of British North America* project, Bailyn got off on the wrong foot from the outset. Didn’t he know, his critics carped, that there were people, indigenous people, already here before the English came? His *Peopling* books, critics say, smack of American exceptionalism, by which they seem to mean that they concentrate on the origins of the United States. It is true that Bailyn is interested in the sources of the nation. At the beginning of his career, in 1956, he explained that the colonial period contains “for Americans the roots of the present” and “provides and has long provided basic points of reference for national self-awareness. And not merely for scholars or devotees of history. At each stage of our history, popular attention has demanded and received some vital understanding, however ill-informed, of colonial origins.”

But a new generation of historians is no longer interested in how the United States came to be. That kind of narrative history of the nation, they say, is not only inherently triumphalist but has a teleological bias built into it. Those who write narrative his-

tories necessarily have to choose and assign significance to events in terms of a known outcome, and that, the moral critics believe, is bound to glorify the nation. So instead of writing full-scale narrative histories, the new generation of historians has devoted itself to isolating and recovering stories of the dispossessed: the women kept in dependence; the American Indians shorn of their lands; the black slaves brought in chains from Africa. Consequently, much of their history is fragmentary and essentially anachronistic—condemning the past for not being more like the present. It has no real interest in the pastness of the past.

**T**hese historians see themselves as moral critics obligated to denounce the values of the past in order to somehow reform our present. They criticize Bailyn’s work for being too exquisitely attuned “to the temper of an earlier time” and, thus, for failing “to address the dilemmas of its own day.” His desire to re-create the “different world” of the past “as it actually was” is said to be “politically charged,” because, *mirabile dictu*, it “gives priority to the beliefs of historical actors” over our present beliefs, “thus inhibiting a critical dialogue between past and present values.”

These historians need to read and absorb Bailyn’s essay on “Context in History,” published in this collection for the first time. Perhaps then they would be less eager to judge the past by the values of the present and less keen to use history to solve our present problems. In some sense, of course, they are not really interested in the past as the past at all. “Their vision of the past turns them toward the future,” wrote Nietzsche of such activist historians; they “hope that justice will yet come and happiness is behind the mountain they are climbing. . . . They do not know how unhistorical their thought and actions are in spite of all their history.”

Not only does the history these moral reformers write invert the proportions of what happened in the past, but it is incapable of synthesizing the events of the past. It is inevitably

partial, with little or no sense of the whole. If the insensitive treatment of women, American Indians, and African slaves is not made central to the story, then, for them, the story is too celebratory. Since these historians are not really interested in the origins of the nation, they have difficulty writing any coherent national narrative at all, one that would account for how the United States as a whole came into being.

For many of them, the United States is no longer the focus of interest. Under the influence of the burgeoning subject of Atlantic history, which Bailyn’s International Seminar on the Atlantic World greatly encouraged, the boundaries of the colonial period of America have become mushy and indistinct. The *William and Mary Quarterly*, the principal journal in early American history, now publishes articles on mestizos in 16th-century colonial Peru, patriarchal rule in post-revolutionary Montreal, the early life of Toussaint Louverture, and slaves in 16th-century Castile. The journal no longer concentrates exclusively on the origins of the United States. Without some kind of historical GPS, it is in danger of losing its way.

Bailyn’s 2012 book *The Barbarous Years*, which deals with the early-17th-century origins of the English colonies, has been criticized for being too narrow and for not including Canada and Spanish Florida in its narrative. And the Indians, well, no matter how much space Bailyn gives to them, no matter how sensitive his analysis of the native peoples, it would never be enough. To his critics, Bailyn’s Indians remain simply a “faceless offstage menace.” Bailyn’s vivid and detailed descriptions of the brutal and vicious treatment of the Indians by the English have boomeranged on him: His critics now complain that he didn’t fully appreciate the Indians’ contribution to English well-being and the extent to which the native peoples provided the economic glue that tied the separate colonial regions together. In other words, unless the Indians became the main characters in his story, Bailyn couldn’t win.

No historian, including Bernard

Bailyn, denies the importance of the native peoples in shaping colonial America. But it is a question of proportion, of fitting the Indians into a story in which, tragically, they become steadily marginalized and eventually overwhelmed. Nevertheless, for us today, looking back through centuries, the whites' treatment of the Indians seems totally immoral and inexcusable. Can history ever evade that kind of moral judgment? Can putting the past in context help? Bailyn quotes Herbert Butterfield from his remarkable little book of 1931, *The Whig Interpretation of History*, to emphasize the importance of context in history. "The dispensing of moral judgments upon people or upon actions in retrospect," wrote Butterfield, is the "most useless and unproductive of all forms of reflection." And still it goes on.

It continues, Bailyn concedes, because "to explain contextually is, implicitly at least, to excuse." Placing what we today clearly see as the evils of the past in historical context seems to justify them. Historians can explain, contextually, the Founders' plight in dealing with slavery. Historians can show, says Bailyn, that they "were confronting without precedent or guidance the problem of racial differences in a theoretically egalitarian society, and that they were struggling with the related dilemma of bondage, an immemorial condition, in a free society." Nonetheless, the Founders are going to be bitterly condemned by our present-day moralists for not eliminating slavery entirely. The problem, Bailyn concludes, is systematic and inherent: "a seemingly inescapable consequence" of a deeply contextual approach to history.

Despite the difficulties of writing narratives involving good contextual history, however, Bailyn believes it can and must be done. Historians, he writes, have an obligation to tell us, "in some sequential—that is to say, narrative—form, what has happened in the past, what the struggles were all about, where we have come from." In his illustrious career, he has more than fulfilled that obligation. ♦

B&A

# Chanel No. 1

*How beauty can be lucrative, if not always pretty.*

BY AMY HENDERSON



Coco Chanel in Paris (1937)

For Coco Chanel, the Duchess of Windsor's declaration that "you can't be too rich or too thin" was holy writ. Born into poverty in 1883, she was worth the equivalent of almost \$1 billion before she was 50. To the age of modernism, she contributed a streamlined female silhouette that radically transformed the shape of women's bodies: By jettisoning armors of undergarments and pounds of voluminous fabric, she created a fashion that cloaked women with an explicitly *modern* identity. Her couture facilitated freedom of movement and trumpeted the importance of physical fitness and youth—two essential ingredients that became associated with modernism.

This new biography argues that Gabrielle "Coco" Chanel "forged the

**Mademoiselle**  
*Coco Chanel and the Pulse of History*  
by Rhonda K. Garelick  
Random House, 608 pp., \$35

look of modern womanhood as we know it." In addition to streamlining women's fashion, she helped pioneer "bobbed" hair, the popularity of suntans, and a revolutionary perfume, Chanel No. 5. But Rhonda K. Garelick insists that Chanel's life is "even more compelling when studied in relationship to European history, especially the interwar period—the era that launched her to stardom." So while much of this study is a fascinating look at how Chanel used fashion to transform women's identity in the early 20th century, it also throws fresh light on the lingering wartime questions that shadow her reputation.

Amy Henderson is a cultural historian in Washington.

Garellick does a superb job of connecting Chanel to the context of her times. She grew up in a Catholic orphanage, where her daily dress was a black uniform; the religious life had little appeal for young Gabrielle, but the uniforms were an idea she retained. Her biographer notes that Chanel couture created a “wearable personality” that was, itself, a uniform: Coco became a model for others and was “arguably the most copied woman of the 20th century.”

When she left the convent at age 18,

Chanel’s business grew exponentially after World War I. She knew everyone in the world of art and culture, from Jean Cocteau to Igor Stravinsky. She designed costumes for Diaghilev’s 1924 *The Blue Train* and was part of the world of Bakst, Fokine, Picasso, and Satie. By the mid-1920s, she had evolved a style that American *Vogue* tagged “the Chanel look,” which included the LBD (Little Black Dress) and long strands of oversize pearls. She had also created a wildly popular new perfume, Chanel No. 5, that com-

The tweedy style of British country life found its way into her collections in the mid- and late ’20s. As Garellick notes, “Filtered through Chanel’s aesthetic, all these ultra-British, masculine style elements reemerged to look somehow French and feminine.” Chanel returned to Paris in 1931, and her fashion empire flourished. All of the simple, sleek, and practical basics of her couture were in place by 1939: skirt suits, slim-fitting blouses, boyish trousers, ropes of costume jewelry, and the double-C insignia. The Chanel style had emerged as a “total look.”

Coco Chanel’s burgeoning success coincided with the rise of fascism, and recent scholarship confirms that, with the onset of war, she was part of the German occupation’s inner circle on several levels. She was romantically involved with the high-ranking army officer Baron Hans Günther Von Dincklage, who secured her an apartment at the Hotel Ritz, and—most improbably—she even acted as a Nazi spy. The spy incident came to light with the recent declassification of archival documents that link Chanel, as early as 1941, to General Walter Schellenberg, chief of SS counterintelligence. In 1943, she met with Heinrich Himmler in Berlin to strategize about a way to force Great Britain to end hostilities with Germany. She was selected because Schellenberg said she “knew Churchill sufficiently to undertake political negotiations with him.”

Operation Modellhut (“Model Hat”) seems preposterous and, ultimately, never materialized; but Chanel’s involvement led the Free French Purge Committee to interrogate her in 1944. She only escaped being charged with collaboration, she later said, because “Churchill had me freed.” The evidence suggests that top British officials were worried that Chanel’s activities could implicate the Windsors and that Churchill instructed Duff Cooper, Britain’s ambassador to the French provisional government, to protect Chanel. Once freed, Coco went into exile in Switzerland for the next eight years.

While Chanel was in exile, Christian Dior sparked a new revolution in



Randolph Churchill, Coco Chanel, Winston Churchill at a boar hunt (1928)

Chanel faced an economic quandary that confronted every young woman without financial means: Although she worked as a seamstress and sang in a local café, she barely made enough money to survive. In *Belle Époque* Paris, the life of a courtesan offered one way out of poverty. Wealthy men provided a path to glamour, and Chanel, like many others, attached herself to a patron. She lived with him in a grand manor, and he set her up in a shop to pursue her “little hat hobby.” Chanel’s hats became all the rage, and soon, another patron—the dashing Boy Capel—moved her to a shop in the heart of Paris’s luxury district on Rue Cambon. Capel was the great love of her life, and he converted Chanel to the kind of superb tailoring found in men’s bespoke clothes.

blended floral and botanical essences with synthetic aldehydes.

Men continued to be essential components to Chanel’s life. Determined never to marry, she filled her life with men who could enhance her status, much as she had done as a young coquette. In the 1920s, she lived with the Duke of Westminster at Eaton Hall and made key connections that would be important to her during and after World War II. She went on hunting parties with such luminaries as David Lloyd George, Anthony Eden, Charlie Chaplin, and, most important, Winston Churchill, who wrote his wife, “The famous Coco turned up and I took a great fancy to her. A most capable and agreeable woman with the strongest personality.”

fashion. On February 12, 1947, Dior's first collection hit the Paris runways "like a supernova." His dresses were "ultrafeminine [and] sculpted of dozens of yards of expensive fabric" that bade a defiant farewell to wartime sacrifice. Carmel Snow, fashion editor of *Harper's Bazaar*, exclaimed, "Monsieur Dior, you've given us such a New Look!" Garellick, however, argues persuasively that the New Look was actually a "style that harked back so clearly to an earlier century." Chanel's streamlined look had promoted freedom of movement, while the New Look once again buried women in Edwardian-style "leg o'mutton" sleeves and billowing skirts.

Furious at being displaced from fashion's pinnacle, Chanel plotted her return. In February 1954, she debuted her new collection in Paris—and it was a disaster. Not only were her clothes jarringly out of sync with the New Look, but Chanel suffered the rancor of lingering hostility over her wartime activities. So she regrouped and focused on the American fashion market: "They've been offering women idiosyncrasies which made it impossible to walk or run," she said. "American women are more practical . . . they walk, they run." Her rebirth flourished here. The *New York Times* called it "the most incredible comeback in fashion history. . . . The youthful philosophy of dress originated by the French designer has come to be taken as the classic American look." And *Vogue* exclaimed that Chanel "was the first fashion naturalist, the first to design clothes with the freedom and understated elegance Americans like best."

The end of her life found Chanel well-feted and victorious. She was even celebrated in a 1969 Broadway musical, *Coco*, starring Katharine Hepburn—although Chanel mistakenly assumed that the younger Hepburn, Audrey, would be portraying her. In 1970, the four divisions of her company—clothing, textiles, perfume, and jewelry—were flourishing. Compulsive to the end, Chanel continued to work. She was finishing her spring catalogue when she died in 1971, at age 87. ♦

B&A

# Dublin's Fair(?) City

*The complicated soul of the Irish capital.*

BY EDWARD SHORT

In 1732, Jonathan Swift wrote a friend that, while he had lost all hope of favor with those in power in Dublin, he had won "the love of the Irish vulgar" and inspired "two or three dozen signposts of the Drapier in this city." Here, he was referring to Dublin's gratitude for the eloquent stand he had taken against a debased halfpence, a stand that constituted one of the first stirrings of Irish nationhood—albeit a distinctly Anglo-Irish nation:

A people long used to hardships, lose by degrees the very notions of liberty; they look upon themselves as creatures at mercy; and that all impositions laid on them by a stronger hand, are . . . legal and obligatory. Hence proceed that poverty and lowness of spirit, to which a kingdom may be subject, as well as a particular person. And when Esau came fainting from the field, at the point to die, it is no wonder that he sold his birthright for a mess of pottage.

When the coins were revoked, Swift had his victory, about which the Irish parliamentarian Henry Grattan would later remark: "Swift was on the wrong side of England but in Ireland he was a giant."

This episode says a good deal about Dublin. The city has always reveled in its great men, even if they tend to repay the compliment by abusing their hometown. (Dean Swift, for example, liked to tell his English friends John Gay and Alexander Pope that he had left England for Dublin because he preferred to be "a freeman among slaves, rather than a slave among freemen.") Dublin has always been fond of good writing and good talk, though its "notions of liberty"

**Dublin**  
*The Making of a Capital City*  
by David Dickson  
Harvard, 736 pp. \$35

have tended to be fitful. Consequently, its history has always been one of promise unfulfilled. Elizabeth Bowen saw this when she described Dublin as being "full of false starts and dead ends, the store plan of something that never realized itself." The beautiful buildings of Georgian Dublin might have been built to accommodate the Irish Parliament, but in one stroke, the Act of Union (1800) made most of them superfluous. Here, as in so many other instances, venality trumped "notions of liberty."

Many of those buildings—most notably the Customs House and the Four Courts—were commissioned by John Beresford (1738-1805) in his 30-year tenure as head of the Irish revenue. That Beresford, the descendant of a powerful political dynasty rooted in the Londonderry plantation, should have also been instrumental in passing the Act of Union was an irony with an altogether Irish twist. Working behind the scenes with William Pitt to subvert the Irish Parliament, Beresford paved the way for the sectarian divisions that would undo all that the Georgian city had accomplished.

"Union will leave Dublin but a splendid ruin, the fallen and impoverished and crumbling capital of a province," David Dickson, the author of this massive new history, quotes one patriot prophesying as early as 1795. And so it proved for much of the 19th and 20th centuries. Lawyers, it is true, made a good living in the post-Union city: The Anglo-Irish, after all, were

*Edward Short is the author, most recently, of Newman and His Family.*

incorrigibly litigious, and doctors never went broke coddling the city's legion of hypochondriacs. But nearly everyone else was hard up. As for Beresford, although an inspired town planner, he epitomized all that was most treacherous about the Irish Ascendancy, and there was poetic justice in Daniel O'Connell and the Catholic Association defeating a Beresford for the County Waterford seat in 1826, which led not only to Catholic Emancipation (1829) but to the eventual destruction of the Anglo-Irish ruling class.

the most important event in the history of Irish neutrality, Allied victory.

For his history of the city from medieval times to the end of the 20th century, David Dickson has chosen the subtitle "The Making of a Capital City," which is an intriguing choice, given that so much of the book chronicles Dublin's failure to become a capital city. Indeed, now that the city has ceded much of its sovereignty to the European Union in the wake of the collapse of the Celtic Tiger, its capital

of nationhood, Ireland, through us, summons her children to her flag and strikes for her freedom." It was only when the rebels had caused a good deal of their city to be burned down that Dubliners began to take notice. And it was only when the British began shooting the rebels that what had hitherto been hostile public opinion swung around in favor of the rebels.

Dickson's account of the rebellion is a model of evenhandedness. Certainly, one can agree with the author that when General Sir John Maxwell took command of over 20,000 troops throughout the city, "there was some but not a great deal of abuse of that overwhelming power." It is true that General Maxwell eventually shot 15 of the rebels, but it is also true that they were guilty of treason, as the British were fighting the same Germans on the Somme that had supplied the rebels with their guns.

Dickson is similarly just in his coverage of the Dublin lockout of 1913, showing how William Martin Murphy, owner of the city's extensive tramways, far from being the cardboard villain of Marxist caricature, was one of the fairest employers in the city, a genuine patriot and the principal sponsor of the 1907 Irish International Exhibition. It was the Liverpudlian trade unionist James Larkin who injected class warfare into disputes that could have been amicably resolved without it.

What is remarkable about Dublin is how little class warfare figured in its history, especially considering its slums, which were some of the worst in Europe. According to the 1926 census, 39,615 families were living in two-room tenements, and the average death rate per 1,000 for children aged 1-5 was 25.6! Yet, as F.S.L. Lyons stressed in his monumental *Ireland Since the Famine* (1971), Irish workers were never opposed to capitalists per se: "For them ... the most urgent economic task was to create more jobs ... and they were certainly not going to prejudice that possibility by stirring up bad relations with their employers."

Still, some were always intent on exacerbating the differences of Dubliners. Convinced that the Irish and Anglo-Irish were locked in a "battle



'The Four Courts' by W.H. Bartlett (1841)

If the Protestant Dublin of Swift and Grattan left little behind but memorials of betrayal, the Roman Catholic Dublin of Fianna Fáil fared no better. Éamon de Valera's claim that Irish neutrality would somehow reaffirm Irish nationalism rang with comical hollowness. In his brilliant *Ireland: 1912-1985* (1989), J.J. Lee asked whether a Nazi invasion, with all its attendant atrocities, could have "disturbed the complacent certainties of hereditary hatreds." He gave an answer that Swift himself might have enjoyed:

It is precisely because these things did not happen, as they could so easily have happened if the fortunes of war had shifted, that the citizen of a small state must be grateful, not so much for neutrality, which in itself could do little to prevent such horrors, but for

status is more dubious still. Evading the responsibilities of sovereignty has long characterized Dublin. Dickson gives an amusing example of the city's peculiar insouciance in this line when he notes how its inhabitants spent the day that inaugurated so much misery elsewhere: "When the singing cowboy Gene Autry riding Champion the Wonder Horse came up the steps of the Theatre Royal on 3 September 1939 to launch his latest singing Western, he drew a crowd of many thousands."

If Dublin was indifferent to World War II, it was equally indifferent to the outbreak of the Easter Rebellion (1916), when romantic insurrectionists occupied key points of the imperial city, proclaiming, "In the name of God and of the dead generations from which she receives her old tradition

of two civilizations,” the journalist D.P. Moran urged his readers to repudiate what he saw as the degrading influence of the Anglo-Irish. He even deplored the lovely Georgian terraces along Merrion Square: “Their day is done,” he fumed. “The Georgian era is over, and there is little sense in seeking to perpetuate it . . . nothing is left for them but demolition.”

Thanks, in part, to Desmond Guinness, Diana Mosley’s son, and the Irish Georgian Society, Moran’s exhortation did not go entirely heeded. That spared Dublin from what might have been more of the ghastly office blocks that the Dublin Corporation put up in the 1960s, one of which was nicely described by one conservationist as

“easily the most monstrous pile of architectural rubbish ever built in Dublin.”

In his introduction, David Dickson states that his aim in writing this book was “to try to understand the past rather than to recreate it.” Fair enough, although the book would have been better if he had re-created more of what he attempts to elucidate. Dublin’s own inimitable voices, evoking as they do the passion and complexity of this unhappy history, might have been given a more ample hearing. Such omissions notwithstanding, this history of Dublin is an insightful, deeply researched, witty volume, which anyone interested in Ireland, England, Georgian architecture, or the misadventures of nation-building will find fascinating. ♦

the author’s intention was to emphasize the personal aspects of the story—the Pringle marriage—but the context and background were simply far too dramatic and rich to omit. Thus, Manning wrote not only a personal story but also a story of World War II: The time frame runs from the fall of France (1940) to the run-up to the Normandy invasion (1944).

The stage is cluttered with characters—diplomats, soldiers, bureaucrats, journalists, exiled Russian princes, Jewish bankers, women on the make—who often appear and reappear and are the very opposite of what E.M. Forster once called “flat.” That is, they are fully rounded, vivid, and unforgettable, even though nearly four dozen of them march across the pages. Originally trained as a painter, Manning had a wonderful eye for colors and textures. She also had a firm understanding of the sinister politics of the Balkans and the troubled last days of British imperial rule in Egypt. These are long books, but they are never boring. And they teach us a great deal of history that we either have forgotten or, perhaps, never knew in the first place.

When the Pringles arrive in Bucharest, there are troubling signs that the pro-British Romanian monarchy is under siege from the local Fascist Iron Guard, whose sympathies lie with Hitler’s Germany. Nonetheless, the local elites, who gather at the English Bar of the Athénée Palace Hotel, take no notice of the fact until quite late in the day, when the waiters and the menus begin to switch from French to German. Though a European war is clearly on the doorstep, the Romanians the Pringles meet are mainly concerned about the loss of territory to Hungary—that, and impressing their English friends with their elegance and up-to-date sophistication, doing what they can to substantiate Bucharest’s claim to be “the Paris of the East.” When the country falls under German occupation, the Pringles, along with other members of the British community, are forced to flee to Greece. This is the story related in the first two volumes, *The Great Fortune* and *The Spoilt City*.



# Lost Horizons

*War and peace, love and politics, at the end of Empire.*

BY MARK FALCOFF

The portmanteau novel—the work of fiction that follows the interlocking lives of a group of characters, once practiced by writers from John Galsworthy to Scholem Asch—has all but disappeared. But the republication of Olivia Manning’s *Fortunes of War* in two luxurious volumes serves as a welcome reminder of just how good this genre can be. Here are six novels, published between 1960 and 1980, in which Manning (1908-1980) follows the fortunes of a young British couple, Guy and Harriet Pringle, caught up in the backwash of the Second World War.

At the beginning of the first book, we learn that Harriet has married Guy while he was on leave in England, barely knowing him but willing to share his life in Bucharest, where he teaches English for the British Council. Once

## Fortunes of War

*The Balkan Trilogy*

by Olivia Manning

New York Review Books, 944 pp., \$22.95

## Fortunes of War

*The Levant Trilogy*

by Olivia Manning

New York Review Books, 584 pp., \$19.95

in Romania, she realizes that her husband is a distracted *Luftmensch* with unlimited time for everybody except his own wife. The fact that he is also a left-wing enthusiast, an admirer of Stalin’s Soviet Union, adds another element of incompatibility. The trials of an unsuitable marriage undertaken in excessive haste represent a kind of thread that binds the sprawling narrative, which takes the reader from Romania to Greece to Egypt to Syria to Mandate Palestine. It could be that

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*Friends and Heroes* takes the story up in Athens, which is still at peace. Here is a flourishing British community and another monarchy that looks to London for inspiration and guidance. But not for long: Mussolini, envious of Hitler's successes in Central Europe, decides to invade the country on his own. At first, the Greeks resist successfully, to the point that the Germans are forced to intervene to prevent their ally from being humiliated. Following the Greeks' capitulation, the Pringles, along with other members of the British community, barely escape with their lives to Cairo.

The first volume of the Levant trilogy, *The Danger Tree*, is set in Egypt, and here we are introduced to a new character, a 21-year-old lieutenant in the British Army named Simon Boulderstone. The novelist's purpose for him (we later realize) is to provide a character who will justify the vivid descriptions of the battles in the western desert leading up to El Alamein. When the book opens, the Germans are virtually at the gates of Cairo, and the porters at the railroad station are gleefully declaring to whoever will listen, "Hitler come." The Egyptian elites, who have long since made their peace with the British protectorate, are suddenly breaking out their German grammars.

But Cairo is still at peace and still a city of opulent comforts for the British expats. In the background, there are muffled noises of anti-imperialist sentiment, but, except for Guy, who is an ardent friend of what today would be called the Third World, the British take no note of it. One vivid example: The Anglo-Egyptian Union, a club intended to bring the two elites together, is almost entirely a British affair. It shares a common lawn with the officers' club of the Egyptian Army, but on only one occasion in the novel does an Egyptian actually cross it to address an Englishman.

Much of the next volume, *The Battle Lost and Won*, deals with the sanguinary tank and infantry battles that raged in Libya during 1942-43, as seen through the eyes of Lieutenant Boulderstone. The descriptions of desert combat remind me of Robin

Maugham's autobiographical account in *Escape from the Shadows* (1972): the stretches of boredom and inactivity followed by sudden and unexpected violence, the heat, the flies, the spoiled rations, the tanks incinerated with soldiers inside, the casual eruption of land mines, killing or disfiguring men on both sides. The difference is that Robin Maugham was actually there; Olivia Manning could not have been. How she managed to come by all these details is extraordinary.



Olivia Manning (1955)

The final volume, *The Sum of Things*, begins in Alexandria, where Harriet has found a job, while Guy has been promoted to head of the British Council in Cairo. An opportunity arises for her to be evacuated, along with a number of other British women and children, to Britain, on a liner that is scheduled to round the Cape. Harriet is hurt that Guy seems anxious to have her leave—so hurt, in fact, that, unknown to her husband, instead of departing for England, she flees with two lesbian friends to Damascus, where she leaves them to continue on to Jerusalem.

Apart from the riveting tale, the pleasure of these books consists in the vivid descriptions of people and

places. Here, for example, is the train to Mandate Palestine, which many are anxious to board before Rommel takes Cairo:

The train was sighted and a groan went through the crowd. The train came at a snail's pace towards the platform. The groan died out and a tense silence came down on the passengers who, gripping bags and babies, prepared for the battle to come. As the first carriages drew abreast of the platform, hysteria set in. The men ... now flung themselves forward, regardless of women and children, and began tugging at the carriage doors. The women, suffering the usual disadvantage of having to protect families as well as themselves, were shrill in protest, but the protest soon became general. The carriages were locked. The train, slow and inexorable as time, slid on till it touched the buffers at the end of the line.

And here is Cairo, as Harriet finds it on her arrival:

[It] had become the clearing house of Eastern Europe. Kings and princes, heads of state, their followers and hangers-on, free governments with all their officials, everyone who saw himself committed to the allied cause, had come to live here off the charity of the British government. Hotels, restaurants and cafés were loud with the squabbles, rivalries, scandals, exhibitions of importance and hurt feelings that occupied the refugees while they waited for the war to end and the old order to return.

The war does end, but the old order does not return. The *fellahin* expect great things from the Germans—or if not from them, from some yet-imagined revolution. Guy thinks that the best thing that could happen to Romania would be for it "to be overrun by Russia and forced to adopt the Soviet social structure and economy." The Greeks, represented here as kind, generous, and courageous, in no way resemble the people depicted in today's news reports. And the British, of course, are not what they used to be. *Fortunes of War* affords us one last glimpse of this world before it disappeared forever. ♦

# Movie Magic

*A musical love story finds its medium.*

BY JOHN PODHORETZ

**I** don't remember when I have been more deeply affected by a film than I was by *The Last Five Years*, a jewel box of a movie-musical that is unquestionably the best of its kind since *Chicago* was released in 2003. It is at once a tiny slip of a thing and an emotional blockbuster. Over the course of a brisk 90 minutes, *The Last Five Years* provides an exhilarating and devastating account of the relationship between a successful young writer and an unsuccessful young actress.

Jamie and Cathy are its only characters. There is almost no spoken dialogue; the movie is sung through. And like the greatest of all sung-through musicals, *The Umbrellas of Cherbourg* (1964), the power of *The Last Five Years* derives from the pointed contrast between the sweeping romanticism of its beautiful song-score and the unromantic sobriety of its perspective about the evanescence of youthful passion.

*The Last Five Years* began its life 15 years ago as an extremely problematic off-Broadway musical that centered on a narrative gimmick: Cathy is going back in time while Jamie is moving forward in time. The show's first song, "I'm Still Hurting," is about the pain Cathy feels when she finds the farewell letter Jamie has left her in their apartment. The show closes with her ecstatic "I Will Be Waiting," on the morning after they've fallen in love. By contrast, Jamie's first song, "Shiksa Goddess," takes place the night they fall in love, and his last, "I Could Never Rescue You," is sung five years later, as he

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**The Last Five Years**  
Directed by Richard LaGravenese



leaves their marital apartment for the last time.

This sounds ingenious, but it just doesn't work as a theatrical piece. The two characters are only on stage together twice in the entire show. Otherwise, it's just one of them on stage, alone, and then another on stage, alone, in a series of static soliloquies.

But those soliloquies! The score by the lyricist and composer Jason Robert Brown is likely the best any American has produced in the past quarter-century. The music is gorgeous and supple, the lyrics witty and sophisticated and bracingly honest.

So it turns out that, after dozens of stagings that could never get it right, what *The Last Five Years* needed in order to work was fluid camerawork and close-ups. Writer-director Richard LaGravenese has taken Brown's solos and turned them into dramatic interactions between Cathy and Jamie, mostly filmed out-and-about in a New York City as glowing and inviting as in any Nora Ephron comedy. The movie's structure is the same as the show's, but LaGravenese doesn't make much of the time reversals; you don't need to understand what year of the last five you're in to get it. Maybe the dramatic innovations of television storytelling over the past decade have gotten us used to storylines that dart in and out of time, so we don't need to have it spelled out for us.

Each scene is a song, and each song packs a different kind of punch. You get to know Jamie and Cathy not only

from what they say but how they react silently to each other. When all you have is two people on screen, though, those two people had better be worth your time. And oh, are they.

Jeremy Jordan, who, out of nowhere, made a splash on Broadway a few years ago in *Newsies*, plays Jamie—an offhandedly charming and ragingly ambitious Jewish *wunderkind* from the suburbs who hits it big as a novelist at the age of 23 just as he meets the gentle girl of his dreams. Jordan manages the almost impossible feat of seeming entirely naturalistic and unaffected even as almost every word out of his mouth is sung. This is a star-making performance, glamorous and seductive and winning in the manner of an old-time Hollywood great.

But the killer here is Anna Kendrick, the star of the smash-hit a cappella comedy *Pitch Perfect* (2012) and 2010 Oscar nominee for *Up in the Air*. Her character, Cathy, is a decent, clever, deeply needy woman who is forced to reckon with the fact that she is not going to make it as an artist even as her beloved is becoming a major cultural force.

Like the movie itself, Kendrick is small and unassuming—but then, time and again, this tiny kid with a clarion voice just blows you away. The raw emotions Cathy's difficult situation generates—pride and envy, love and jealousy, self-sacrifice and self-hatred—are always dancing in and out of Kendrick's face and eyes. If there were any justice, and we know there isn't, the Academy would meet today and simply assign next year's Oscar for Best Actress to her.

*The Last Five Years* was made for a few million dollars and is unlikely to receive a wide theatrical release. It is available on-demand right now, and given its intimacy and immediacy, it works well on a television or computer screen. Watch it—if only to learn what life is like for Cathy when the only work she can get is at a theater in the sticks: *I could shove an ice pick in my eye. / I could eat some fish from last July. / But it wouldn't be as awful as a summer in Ohio / Without cable, hot water, Vietnamese food, or you.* ♦

**The manuscript of a sequel to Harper Lee's To Kill a Mockingbird has been discovered and will be published in July. The story takes place in the same small town in Alabama, and features the same characters, but is set in the 1950s.**

**PARODY**

**—News item**

and when the big metal antenna arrived from Atlanta that spring, Atticus tore the parcel open and spent all afternoon attaching it to the chimney. I couldn't imagine why he would waste so much time scrambling around on the sloping roof -- or "fixin' t' break his neck," as Calpurnia would mutter -- while the camellias were sprouting in their pageant of red and the towhees were nesting.

But then one slow, quiet, humid afternoon, when I came across Atticus sitting in the front room, I understood. He was watching the television set, and shaking his head slowly from side to side, as he often would do when his mind was unsettled.

"Look at this, Scout," he said, pointing to the television. The tone of his gentle voice was unmistakably angry; but I detected a note of sadness as well. So I sat close beside him -- something I had done, as a little girl, when he had something important to tell me. "This man McCarthy," he growled, waving his hand toward the flickering screen, "this Senator McCarthy is doing more harm to our country than the Japanese or Germans ever did."

I was startled, at first -- remembering what Atticus had said on the day, that terrible day, when we learned we'd lost Jem, leading his platoon on Iwo Jima. Glaring now at the television picture, and biting the stem of his tortoise-shell spectacles, Atticus cleared his throat.

"Scout," he declared, "remember how you children were scared of the old Radley place?" He turned to catch my eye: "You and your brother would walk clear across Maycomb to keep your distance," he said, smiling at the memory, "fearful of whatever ghosts or goblins you thought might be inside."

Atticus suddenly sat up in his chair, tapped the buttons on his vest, and frowned. "Well, that's the way this McCarthy fellow's mind seems to work. He looks at the whole wide country of Russia -- and what does he see? The old Radley place!"

At that moment, sensing the sudden clarity of his voice, I knew instinctively what Atticus wanted me to